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Preparatory Committee for the 2015 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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Nuclear disarmament

Working paper submitted by the Group of Non-Aligned States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

1. The Group of Non-Aligned States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons emphasizes that the Treaty is an essential foundation for the pursuit of nuclear disarmament and a key instrument in the efforts to halt the vertical and horizontal proliferation of nuclear weapons.

2. The Group of Non-Aligned States Parties to the Treaty reaffirms the principled positions of the Movement of Non-Aligned Countries on nuclear disarmament, which remains its highest priority, and on the related issue of nuclear non-proliferation in all its aspects and stresses the importance that efforts aimed at nuclear non-proliferation should be parallel to simultaneous efforts aiming at nuclear disarmament. The Group stresses its concern at the threat to humanity posed by the continued existence of nuclear weapons and of their possible use or threat of use. The Group also reaffirms that the total elimination of nuclear weapons is the only absolute guarantee against the use or threat of use of nuclear weapons.

3. The Group of Non-Aligned States Parties to the Treaty remains deeply concerned by strategic defence doctrines of the nuclear-weapon States that set out the rationales for the use of nuclear weapons, as demonstrated by the recent posture review by one of the nuclear-weapon States to consider expanding the circumstances in which these weapons could be used.

4. The Group of Non-Aligned States Parties to the Treaty also remains deeply concerned at the strategic concept for the defence and security of the members of the North Atlantic Treaty Organization, which justifies the use or threat of use of nuclear weapons, and maintains unjustifiable concepts on international security based on promoting and developing nuclear military alliances and nuclear deterrence policies.

5. The Group of Non-Aligned States Parties to the Treaty underlines that multilateralism and multilaterally agreed solutions, in accordance with the Charter of the United Nations, provide the only sustainable method of addressing disarmament and international security issues.

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6. The Group of Non-Aligned States Parties to the Treaty reiterates its strong call for the full implementation of the unequivocal undertaking given by the nuclear-weapon States at the 2000 Review Conference to accomplish the total elimination of their nuclear arsenals leading to nuclear disarmament, which has also been reaffirmed by the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons. That undertaking should be implemented without further delay through an accelerated process of negotiations and through the full implementation of the 13 practical steps to advance systematically and progressively towards a nuclear-weapon-free world as agreed to at the 2000 Review Conference, as well as in the conclusions and recommendations for follow-on actions of the 2010 Review Conference, which reaffirmed the continued validity of that undertaking.

7. The Group of Non-Aligned States Parties to the Treaty recalls that, in pursuit of the full, effective and urgent implementation of article VI of the Treaty on the Non-Proliferation of Nuclear Weapons and paragraphs 3 and 4 (c) of the 1995 decision entitled "Principles and objectives for nuclear non-proliferation and disarmament", and building upon the practical steps agreed to in the Final Document of the 2000 Review Conference, the 2010 Review Conference agreed on an action plan on nuclear disarmament that includes concrete steps for the total elimination of nuclear weapons. Accordingly, the Group strongly calls for prompt and full implementation of the 2010 Review Conference action plan on nuclear disarmament.

8. The Group of Non-Aligned States Parties to the Treaty recalls that in implementing the unequivocal undertaking by the nuclear-weapon States to accomplish the total elimination of their nuclear arsenals, the nuclear-weapon States have committed to undertake further efforts to reduce and ultimately eliminate all types of nuclear weapons including through unilateral, bilateral, regional and multilateral measures. In this regard, the Group calls for full compliance of the nuclear-weapon States with such undertakings.

9. In this connection, the Group of Non-Aligned States Parties to the Treaty emphasizes in particular the prime importance of and the urgent need for full and prompt implementation of the commitments by the nuclear-weapon States under action 5 of the 2010 Review Conference action plan on nuclear disarmament. In this context, the Group further recalls that the nuclear-weapon States committed to accelerate concrete progress on the steps leading to nuclear disarmament, inter alia, through (a) rapidly moving towards an overall reduction in the global stockpile of all types of nuclear weapons; (b) addressing the question of all nuclear weapons, regardless of their type or their location, as an integral part of the general nuclear disarmament process; (c) further diminishing the role and significance of nuclear weapons in all military and security concepts, doctrines and policies; (d) discussing policies that could prevent the use of nuclear weapons and eventually lead to their elimination, lessen the danger of nuclear war and contribute to the non-proliferation and disarmament of nuclear weapons; (e) considering the legitimate interest of non-nuclear-weapon States in further reducing the operational status of nuclear weapons systems in ways that promote international stability and security; (f) reducing the risk of accidental use of nuclear weapons; and (g) further enhancing transparency and increase mutual confidence.

10. Moreover, the Group of Non-Aligned States Parties to the Treaty calls upon the nuclear-weapon States to submit a comprehensive substantive report about their undertakings under action 5 of the 2010 Review Conference action plan on nuclear disarmament to the Preparatory Committee in 2014, in order to enable the 2015 Review Conference to take stock and consider the next steps for the full implementation of article VI of the Treaty in realization of the objective of the total elimination of nuclear weapons.

11. The Group of Non-Aligned States Parties to the Treaty welcomes the convening of the first-ever high-level meeting of the General Assembly on nuclear disarmament on 26 September 2013 and underlines that the strong support, expressed at that meeting, for taking urgent and effective measures to achieve the total elimination of nuclear weapons demonstrated that nuclear disarmament remains the highest priority of the international community.

12. In this context, the Group calls for the full implementation of General Assembly resolution 68/32 on the follow-up to the 2013 high-level meeting of the General Assembly on nuclear disarmament, which: (i) calls for the urgent commencement of negotiations in the Conference on Disarmament for the early conclusion of a comprehensive convention on nuclear weapons to prohibit their possession, development, production, acquisition, testing, stockpiling, transfer, use or threat of use and to provide for their destruction; (ii) decides to convene, no later than 2018, a United Nations high-level international conference on nuclear disarmament to review the progress made in this regard; and (iii) declares 26 September as the International Day for the Total Elimination of Nuclear Weapons devoted to furthering this objective, including through enhancing public awareness and education about the threat posed to humanity by nuclear weapons and the necessity for their total elimination, in order to mobilize international efforts towards achieving the common goal of a nuclear-weapon-free world.

13. The Group further underscores the importance of the resolution, which also: (i) underlines the strong support expressed at the high-level meeting on nuclear disarmament for taking urgent and effective measures to achieve the total elimination of nuclear weapons; (ii) calls for urgent compliance with the legal obligations and the fulfilment of the commitments undertaken on nuclear disarmament; (iii) endorses the wide support expressed at the high-level meeting for a comprehensive convention on nuclear weapons; (iv) requests the Secretary-General to seek the views of Members States with regard to achieving the objective of the total elimination of nuclear weapons, in particular on the elements of a comprehensive convention on nuclear weapons, and to submit a report thereon to the General Assembly at its sixty-ninth session, and also to transmit the report to the Conference on Disarmament; (v) calls upon Member States, the United Nations system and civil society, including non-governmental organizations, academia, parliamentarians, the mass media and individuals, to commemorate and promote the International Day for the Total Elimination of Nuclear Weapons, through all means of educational and public awareness-raising activities.

14. The Group of Non-Aligned States Parties to the Treaty expresses deep concern at the continued lack of progress in the field of nuclear disarmament, which could undermine the object and purpose of the Treaty. The Group also deeply regrets the continued inflexible postures of some nuclear-weapon States that have prevented the Conference on Disarmament from establishing an ad hoc committee on nuclear

disarmament. Negotiation of a phased programme for the complete elimination of nuclear weapons with a specified time frame is necessary and should commence without any further delay. In that regard, the Group reiterates its call to establish, as soon as possible, and as the highest priority, an ad hoc committee on nuclear disarmament and recalls action 6 of the 2010 Review Conference action plan on nuclear disarmament, through which all States have agreed that the Conference on Disarmament should immediately establish a subsidiary body to deal with nuclear disarmament, within the context of an agreed, comprehensive and balanced programme of work.

15. The Group of Non-Aligned States Parties to the Treaty strongly supports banning the production of fissile materials for nuclear weapons and other nuclear explosive devices and eliminating all the past production and existing stockpiles of such materials, in an irreversible and verifiable manner and taking into account both nuclear disarmament and non-proliferation objectives, without prejudice to the inalienable right of States parties to the Non-Proliferation Treaty to develop research, production and use of nuclear energy for peaceful purposes, including their past production, existing stockpiles and future production of fissile materials under the International Atomic Energy Agency Agenda comprehensive safeguards.

16. The Group of Non-Aligned States Parties to the Treaty underlines that non-nuclear-weapon States parties to the Treaty have already agreed to a legally binding commitment not to produce fissile materials for nuclear weapons or other nuclear explosive devices.

17. The Group of Non-Aligned States Parties to the Treaty remains deeply concerned by the lack of progress towards achieving the total elimination of nuclear weapons, despite some reports of bilateral and unilateral reductions. Any such reductions are undermined by the modernization of nuclear weapons and their delivery systems, and related infrastructure by the nuclear-weapon States. In order to comply with their obligations under article VI of the Treaty, as well as with their commitments under the 13 practical steps and 2010 Review Conference action plan on nuclear disarmament, the nuclear-weapon States must immediately cease their plans to further invest in modernizing, upgrading, refurbishing or extending the lives of their nuclear weapons and related facilities. The Group is also concerned about the existence and continued deployment of tens of thousands of such weapons, whose exact number remains unconfirmed, owing to the lack of transparency in various nuclear weapons programmes.

18. In this connection, the Group of Non-Aligned States Parties to the Treaty, while noting the conclusion and entry into force of the New START Treaty between the Russian Federation and the United States of America, confirms the validity of its position delivered at the time of adoption of General Assembly resolution 65/61, entitled "Bilateral reductions of strategic nuclear arms and the new framework for strategic relations". The Group further expresses concern that domestic commitments to nuclear weapon modernization in exchange for ratification of this Treaty undermine the minimal reductions agreed upon in it.

19. The Group of Non-Aligned States Parties to the Treaty also stresses that reductions in deployments and in operational status cannot substitute for irreversible cuts in, and the total elimination of, nuclear weapons and, accordingly, calls on the nuclear-weapon States to apply the principles of transparency, irreversibility and verifiability to all such cuts, to further reduce their nuclear arsenals, both warheads

and delivery systems, thus contributing to the fulfilment of their nuclear disarmament obligations and facilitating the realization of a world free of nuclear weapons at the earliest date. The Group also recalls the commitment by the Russian Federation and the United States under action 4 of the 2010 Review Conference action plan on nuclear disarmament for the full implementation of the Treaty on Measures for the Further Reduction and Limitation of Strategic Offensive Arms and strongly urges them to adopt all required measures in order to achieve deeper reductions in their nuclear arsenals in realization of the objective of the total elimination of nuclear weapons.

20. The Group of Non-Aligned States Parties to the Treaty believes that the abrogation of the Treaty on the Limitation of Anti-Ballistic Missile Systems has brought new challenges to strategic stability and the prevention of an arms race in outer space. The Group remains concerned that the deployment of national and strategic missile defence systems could trigger an arms race or arms races, the further development of advanced missile systems and an increase in the number of nuclear weapons. In accordance with General Assembly resolution 68/29, the Group emphasizes the urgent need for the commencement of substantive work, at the Conference on Disarmament, on the prevention of an arms race in outer space.

21. The Group of Non-Aligned States Parties to the Treaty also believes that the development and qualitative improvement of nuclear weapons and the development of advanced new types of nuclear weapons and new targeting options to serve aggressive counter-proliferation purposes and the lack of progress in diminishing the role of nuclear weapons in security policies further undermine disarmament commitments.

22. The Group of Non-Aligned States Parties to the Treaty underlines the unanimous conclusion of the International Court of Justice that there exists an obligation to pursue in good faith and to bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control.

23. The Group of Non-Aligned States Parties to the Treaty emphasizes that the indefinite extension of the Treaty does not imply the indefinite possession by the nuclear-weapon States of their nuclear arsenals and considers, in that regard, that any assumption of indefinite possession of nuclear weapons is incompatible with the integrity and sustainability of the nuclear non-proliferation regime, both vertical and horizontal, and with the broader objective of maintaining international peace and security.

24. The Group of Non-Aligned States Parties to the Treaty further reaffirms that, pending the total elimination of nuclear weapons, it is the legitimate right of all non-nuclear-weapon States that, by becoming parties to the Treaty, have given up the nuclear weapon option, inter alia, to receive effective, universal, unconditional, non-discriminatory and irrevocable legally binding security assurances against the use or threat of use of nuclear weapons under all circumstances.

25. The Group of Non-Aligned States Parties to the Treaty reaffirms that, in accordance with the Charter of the United Nations, States must refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State or in any other manner inconsistent with the purposes of the United Nations.

26. In this regard, the Group of Non-Aligned States Parties to the Treaty recalls the advisory opinion of 8 July 1996 of the International Court of Justice on the *Legality of the Threat or Use of Nuclear Weapons* that "there is in neither customary nor conventional international law any specific authorization of the threat or use of nuclear weapons" and that "the threat or use of nuclear weapons would generally be contrary to the rules of international law applicable in armed conflict, and in particular the principles and rules of humanitarian law".

27. Accordingly, the Group of Non-Aligned States Parties to the Treaty is of the view that, pending the total elimination of nuclear weapons, as the only absolute guarantee against the use or threat of use of nuclear weapons, the nuclear-weapon States shall seriously refrain, at any circumstances, from the use or threat of use of nuclear weapons against any non-nuclear-weapon States parties to the Treaty. In the view of the Group, any use or threat of use of nuclear weapons would be in violation of the principles of the Charter of the United Nations and international law, in particular international humanitarian law. The Group further believes that the mere possession of nuclear weapons is inconsistent with the principles of international humanitarian law. In this regard, the Group strongly calls for the complete exclusion of the use or threat of use of nuclear weapons from military doctrines.

28. The Group of Non-Aligned States Parties to the Treaty stresses the significance of achieving the universal adherence to the Comprehensive Nuclear-Test-Ban Treaty and realizing its entry into force through its ratification by the remaining States whose ratification is required for its entry into force, including, in particular, by two nuclear-weapon States, thus contributing to the process of nuclear disarmament and the enhancement of international peace and security. The Group underlines that the five nuclear-weapon States have a special responsibility to take the lead in this regard.

29. The Group of Non-Aligned States Parties to the Treaty recalls its working paper entitled "Elements for a plan of action for the elimination of nuclear weapons", which was submitted to the 2010 Review Conference in document NPT/CONF.2010/WP.47 and expresses its determination to present an updated version of this plan to the 2015 Review Conference.

30. The Group of Non-Aligned States Parties to the Treaty reiterates its call for the establishment, as a matter of priority, of a subsidiary body on nuclear disarmament in Main Committee I, mandated to focus on the issue of fulfilment of the obligations under article VI of the Treaty and on further practical measures required to achieve progress in that regard.

31. The Group of Non-Aligned States Parties to the Treaty notes with concern the lack of agreement on a number of its key priorities and expresses its determination to continue collective efforts in pursuing the realization of its aforementioned priorities in the 2015 review process of the Treaty.

Preparatory Committee for the 2015 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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Security assurances against the use or threat of use of nuclear weapons

Working paper submitted by the Group of Non-Aligned States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

1. The Group of Non-Aligned States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons reaffirms that the total elimination of nuclear weapons is the only absolute guarantee against the use or threat of use of nuclear weapons. The Group is of the firm belief that, pending the total elimination of nuclear weapons, it is the legitimate right of all non-nuclear-weapon States that, by becoming parties to the Treaty, have given up the nuclear-weapon option, inter alia, to receive effective, universal, unconditional, non-discriminatory and irrevocable legally binding security assurances against the use or threat of use of nuclear weapons under all circumstances.

2. The Group of Non-Aligned States Parties to the Treaty stresses that the granting of such assurances by all five nuclear-weapon States parties to all non-nuclear-weapon States parties is a commitment, the fulfilment of which is necessary to strengthen the nuclear non-proliferation regime.

3. In this regard, the Group of Non-Aligned States Parties to the Treaty notes the unilateral statements by each of the nuclear-weapon States, in which they give very limited, conditional and insufficient "security assurances" against the use of nuclear weapons to non-nuclear-weapon States parties to the Treaty. In the view of the Group, such unilateral statements fail to meet any of the requirements of universal, legally binding, effective, unconditional, non-discriminatory and irrevocable security assurances to all non-nuclear-weapon States parties to the Treaty against the use or threat of use of nuclear weapons.

4. The Group of Non-Aligned States Parties to the Treaty believes that negative security assurances to the non-nuclear-weapon States parties to the Treaty would fulfil the undertaking to the States that have voluntarily given up the nuclear-weapons option by becoming parties to the Treaty. The Group further believes that legally binding negative security assurances within the context of the Treaty would provide an essential benefit to the States parties to the Treaty and to the credibility of the Treaty regime.

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5. The Group of Non-Aligned States Parties to the Treaty recalls that, at successive conferences of Heads of State or Government of the Movement of the Non-Aligned Countries and ministerial conferences of the Movement, it has been reiterated that improvements in existing nuclear weapons and the development of new types of nuclear weapons, as envisaged in the Nuclear Posture Review of the United States of America, contravene even the mere and still conditional, very limited and insufficient unilateral statements made by each of the nuclear-weapon States. It has further been reaffirmed that these improvements and the development of new types of such weapons violate the commitments undertaken by the nuclear-weapon States at the time of the conclusion of the Comprehensive Nuclear-Test-Ban Treaty.

6. The Group of Non-Aligned States Parties to the Treaty emphasizes that the indefinite extension of the Treaty does not imply the indefinite possession by the nuclear-weapon States of their nuclear arsenals and considers, in that regard, that any assumption of indefinite possession of nuclear weapons is incompatible with the integrity and sustainability of the nuclear non-proliferation regime, both vertical and horizontal, and with the broader objective of maintaining international peace and security.

7. The Group of Non-Aligned States Parties to the Treaty reaffirms that, in accordance with the Charter of the United Nations, States must refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations. While recalling the advisory opinion of 8 July 1996 of the International Court of Justice on the legality of the threat or use of nuclear weapons, the Group believes that, pending the total elimination of nuclear weapons, as the only absolute guarantee against the threat or use of nuclear weapons, the nuclear-weapon States shall seriously refrain, in any circumstances, from the use or threat of use of nuclear weapons against any non-nuclear-weapon States parties to the Treaty.

8. The Group of Non-Aligned States Parties to the Treaty firmly believes that the mere possession or any use or threat of use of nuclear weapons would be in violation of the principles of the Charter of the United Nations and international law, in particular, international humanitarian law.

9. In this regard, while deploring the strategic doctrines of the nuclear-weapon States and the strategic concept for the security of the members of the North Atlantic Treaty Organization, which are based on the use or threat of use of nuclear weapons, and maintain unjustifiable concepts on international security based on promoting and developing military alliances and nuclear deterrence policies, the Group of Non-Aligned States Parties to the Treaty strongly calls upon the nuclear-weapon States to exclude completely the use or threat of use of nuclear weapons from their military and security doctrines.

10. The Group of Non-Aligned States Parties to the Treaty is also of the view that, pending the conclusion of negotiations on universal, legally binding, effective, unconditional, non-discriminatory and irrevocable security assurances to all non-nuclear-weapon States parties to the Treaty against the use or threat of use of nuclear weapons, all nuclear-weapon States shall fully respect their existing commitments with regard to negative security assurances and shall extend these

assurances, without any condition and discrimination, to all non-nuclear-weapon States parties to the Treaty.

11. The Group of Non-Aligned States Parties to the Treaty recalls that the 2010 Review Conference "reaffirms and recognizes that the total elimination of nuclear weapons is the only absolute guarantee against the use or threat of use of nuclear weapons and the legitimate interest of non-nuclear-weapon States in receiving unequivocal and legally binding security assurances from nuclear-weapon States which could strengthen the nuclear non-proliferation regime". The Group, therefore, calls on the 2015 Review Conference, in addition to nuclear disarmament being its highest priority, to fully address this legitimate right as a matter of priority.

12. Moreover, the Group of Non-Aligned States Parties to the Treaty expresses concern that, despite long-standing requests by non-nuclear-weapon States parties to the Treaty to receive legally binding negative security assurances, no tangible progress has been made in this regard. The Group therefore stresses that the negotiations on the provision of the effective, unconditional, non-discriminatory and irrevocable, universal, legally binding security assurances by all the nuclear-weapon States to all non-nuclear-weapon States parties to the Treaty against the use or threat of use of nuclear weapons under all circumstances should be pursued as a matter of priority and without further delay.

13. In keeping with the above-mentioned position and in accordance with the decision at the 2000 Review Conference, the Group of Non-Aligned States Parties to the Treaty calls for the establishment of a subsidiary body on security assurances for further work to consider legally binding, unconditional, irrevocable and non-discriminatory negative security assurances by the five nuclear-weapon States to all non-nuclear-weapon States parties to the Treaty.

14. The Group of Non-Aligned States Parties to the Treaty expresses concern over the lack of agreement on a number of its key priorities, including, inter alia, the early commencement of negotiations on the provision of effective, unconditional, non-discriminatory and irrevocable, universal, legally binding security assurances by all the nuclear-weapon States to all non-nuclear-weapon States parties to the Treaty against the use or threat of use of nuclear weapons under all circumstances, and expresses its determination to continue its collective efforts in pursuing the realization of the aforementioned priority in the 2015 review process of the Treaty.

Preparatory Committee for the 2015 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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Substantive recommendations for incorporation into the final document of the 2015 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

Working paper submitted by the Group of Non-Aligned States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

I. Introduction

1. The Group of Non-Aligned States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons emphasizes that the Treaty is an essential foundation for the pursuit of nuclear disarmament and the key instrument in the efforts to halt the vertical and horizontal proliferation of nuclear weapons. The Group further underscores that the realization of the inalienable right of all the parties to the Treaty to develop research, production and use of nuclear energy for peaceful purposes constitutes one of the fundamental objectives of the Treaty.

2. The Group of Non-Aligned States Parties to the Treaty stresses, once more, the fundamental importance of the full, effective and non-discriminatory implementation of the obligations under the Treaty, in particular on nuclear disarmament. In this context, the Group calls for the full implementation of all commitments and the unequivocal undertakings assumed by the nuclear-weapon States, at the 1995 Review and Extension Conference and the 2000 and 2010 Review Conferences of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, to accomplish the total elimination of their nuclear arsenals leading to nuclear disarmament.

3. Building on the working papers presented by the Group of Non-Aligned States Parties to the Non-Proliferation Treaty at the first, second and third sessions of the Preparatory Committee, the Group submits the following recommendations on the implementation of the Treaty as well as the commitments and undertakings agreed by consensus at the 1995 Review and Extension Conference and the 2000 and 2010 Review Conferences, for incorporation into the final document of the 2015 Review Conference. At the same time, the Group may propose further recommendations during the Review Conference.

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II. Recommendations

Principles and objectives

Recommendation 1

To emphasize that the Non-Proliferation Treaty is the key international instrument aimed at achieving nuclear disarmament, halting the vertical and horizontal proliferation of nuclear weapons and promoting international cooperation and assistance in the peaceful uses of nuclear energy.

Recommendation 2

To reaffirm that the full, non-discriminatory and balanced implementation of the three pillars of the Non-Proliferation Treaty remains essential for promoting its credibility and effectiveness and in realizing its objectives.

Recommendation 3

To reiterate that the continued existence of nuclear weapons represents a grave threat to humanity and that the total elimination of nuclear weapons is the only absolute guarantee against the use or threat of use of nuclear weapons, as well as the risk of their unauthorized, unintentional or accidental use.

Recommendation 4

To stress that the full and effective implementation of all obligations under the Treaty on nuclear disarmament and non-proliferation of nuclear weapons, including in particular by the nuclear-weapon States, as well as the implementation of commitments and unequivocal undertakings assumed by them to accomplish the total elimination of their nuclear arsenals leading to nuclear disarmament, is crucial in promoting international peace and security.

Recommendation 5

To reaffirm that each article of the Treaty is binding on all States parties without exception, and that States parties are required to comply strictly with their legal obligations under the Treaty and to implement those commitments agreed by consensus at the Review Conferences of the Treaty, including, in particular, the 1995 Review and Extension Conference and the 2000 and 2010 Review Conferences.

Recommendation 6

To underline that the immediate and unconditional accession to the Treaty by all States not party, as non-nuclear-weapon States, is essential for the full realization of its objectives. All States parties should make every effort to achieve the universality of the Treaty and refrain from taking any actions that could negatively affect prospects for the universality of the Treaty.

Recommendation 7

To strongly call on all States that are not party to the Non-Proliferation Treaty, particularly those States that operate unsafeguarded nuclear facilities, to accede,

without any further delay and precondition, to the Treaty as non-nuclear-weapon States.

Recommendation 8

To reaffirm the integrity of article IX, paragraph 3, of the Non-Proliferation Treaty, and the obligation of all States parties not to accord any status or recognition in any form contrary to the provisions of the Treaty to any State not party to the Treaty.

Nuclear disarmament

Recommendation 9

To acknowledge that the strong support for the total elimination of nuclear weapons, expressed at the first-ever high-level meeting of the General Assembly on nuclear disarmament, on 26 September 2013, demonstrated that nuclear disarmament remains the highest priority of the international community.

Recommendation 10

To emphasize that the indefinite extension of the Non-Proliferation Treaty does not imply the indefinite possession of nuclear weapons by the nuclear-weapon States, and that any such assumption is incompatible with the object and purpose of the Treaty, with the integrity and sustainability of the nuclear non-proliferation regime and with the broader objective of maintaining international peace and security.

Recommendation 11

To express deep concern at the continued lack of progress in the field of nuclear disarmament, which could undermine the object and purpose of the Treaty, as well as at the continued inflexible postures of some nuclear-weapon States that have prevented the Conference on Disarmament from establishing an ad hoc committee on nuclear disarmament.

Recommendation 12

To strongly call for the prompt and full implementation of the action plan on nuclear disarmament adopted by the 2010 Review Conference of the Treaty, particularly the commitments made by the nuclear-weapon States under action 5 to accelerate concrete progress on the steps leading to nuclear disarmament.

Recommendation 13

To stress that reductions in deployments and in operational status cannot substitute for irreversible cuts in, and the total elimination of, nuclear weapons and that such reductions are undermined by the modernization of nuclear weapons and their delivery systems, and related infrastructure by the nuclear-weapon States, accordingly, to call upon the nuclear-weapon States to accelerate the reduction in their nuclear arsenals, weapons and their delivery systems, which should involve dismantling them in the fulfilment of their nuclear disarmament obligations.

Recommendation 14

To acknowledge that the development of new types of nuclear weapons and the lack of progress in diminishing the role of nuclear weapons in security policies run counter to the letter and spirit of the Treaty and undermine the realization of its objectives.

Recommendation 15

To urge the nuclear weapon-States to undertake to prohibit completely nuclear weapons research, and to immediately cease all plans to further invest in modernizing, upgrading, refurbishing or extending the lives or other measures regarding the qualitative improvement of their nuclear weapons and related facilities and to end the production of new types of nuclear weapons in compliance with their obligations under article VI of the Treaty, as well as with their commitments under the 13 practical steps for the systematic and progressive efforts to implement article VI of the Treaty and the action plan on nuclear disarmament, agreed in 2000 and 2010, respectively.

Recommendation 16

To reaffirm the importance of the application of the principles of transparency, verifiability and irreversibility by nuclear-weapon States in all measures relating to nuclear disarmament.

Recommendation 17

To support the immediate commencement of negotiations in the Conference on Disarmament on banning the production of fissile materials for nuclear weapons and other nuclear explosive devices, including all practical measures to eliminate the past production and existing stockpiles of fissile materials for nuclear weapons and other nuclear explosive devices, in an irreversible and verifiable manner, taking into account both nuclear disarmament and nuclear non-proliferation objectives, without prejudice to the inalienable right of States parties to the Non-Proliferation Treaty to develop research, production and use of nuclear energy for peaceful purposes, including their past production, existing stockpiles and future production of fissile materials under the International Atomic Energy Agency (IAEA) comprehensive safeguards.

Recommendation 18

To voice concern about the potential for an arms race in outer space and further nuclear proliferation which the implementation of missile defence systems could trigger.

Recommendation 19

To reaffirm that any use or threat of use of nuclear weapons would be in violation of the principles of the Charter of the United Nations and international law, in particular international humanitarian law and that the mere possession of nuclear weapons is inconsistent with the principles of international humanitarian law.

Recommendation 20

To urge the nuclear-weapon States to fully comply with their nuclear disarmament obligations under the Treaty and completely implement their unequivocal nuclear disarmament commitments, including the 13 practical steps, that were agreed and reaffirmed by consensus at the 2000 and 2010 Review Conferences of the Treaty, in order to accomplish the total elimination of their nuclear weapons.

Recommendation 21

To reaffirm that all parties have a legal obligation under article VI of the Treaty to pursue in good faith, and to bring to a conclusion, negotiations leading to nuclear disarmament in all its aspects under strict and effective international control.

Recommendation 22

To fully support and call for the full implementation of resolution 68/32 on the follow-up to the 2013 high-level meeting of the General Assembly on nuclear disarmament, through which the Assembly: (i) called for the urgent commencement of negotiations in the Conference on Disarmament for the early conclusion of a comprehensive convention on nuclear weapons to prohibit their possession, development, production, acquisition, testing, stockpiling, transfer, use or threat of use and to provide for their destruction; (ii) decided to convene, no later than 2018, a United Nations high-level international conference on nuclear disarmament to review the progress made in this regard; and (iii) designated 26 September as the International Day for the Total Elimination of Nuclear Weapons devoted to furthering this objective, including through enhancing public awareness and education about the threat posed to humanity by nuclear weapons and the necessity for their total elimination, in order to mobilize international efforts towards achieving the common goal of a nuclear-weapon-free world.

Recommendation 23

To emphasize the necessity to start negotiations without further delay on a phased programme for the complete elimination of nuclear weapons with a specified framework of time.

Recommendation 24

To establish a standing committee to monitor and verify the fulfilment by the nuclear-weapon States of their nuclear disarmament obligations under the Treaty, as well as the implementation of their unequivocal undertakings agreed at the Review Conferences of the Treaty, and to make recommendations to the Review Conference on the next steps for the full implementation of article VI of the Treaty in realization of the objective of the total elimination of nuclear weapons.

Recommendation 25

To call for the complete exclusion of the use and the threat of use of nuclear weapons from all the military and security policies, concepts and doctrines, including the "Strategic Concept for the Defence and Security of the Members of the North Atlantic Treaty Organization", which not only set out rationales for the

use or threat of use of nuclear weapons, but also maintain unjustifiable concepts on international security based on promoting and developing military alliances that pursue nuclear deterrence policies.

Recommendation 26

To underscore the necessity of the full and non-discriminatory implementation of articles I and II of the Treaty by all States parties, in particular nuclear-weapon States, to prevent the proliferation of nuclear weapons and other nuclear explosive devices, including through nuclear weapon-sharing with other States under any kind of security and military arrangements or alliances.

Nuclear testing

Recommendation 27

To strongly support a comprehensive ban on all forms of nuclear–weapon tests without exception, as well as any nuclear explosion, and reaffirm the importance of such ban in the realization of objectives of the Non-Proliferation Treaty.

Recommendation 28

To support the objectives of the Comprehensive Nuclear-Test-Ban Treaty, which is intended to enforce a comprehensive ban on all nuclear test explosions, and to stop the qualitative development of nuclear weapons and to stress that while the Comprehensive Nuclear-Test-Ban Treaty is a practical step on the road to nuclear disarmament, it cannot substitute for the objective of complete elimination of nuclear weapons.

Recommendation 29

To stress the significance of achieving the entry into force of the Comprehensive Nuclear-Test-Ban Treaty, through its ratification by the remaining States whose ratification is required for its entry into force, including, in particular, by two nuclear-weapon States, thus contributing to the process of nuclear disarmament and towards the enhancement of international peace and security.

Recommendation 30

To stress that the five nuclear-weapon States have a special responsibility to take the lead in realizing the objectives of the Comprehensive Nuclear-Test-Ban Treaty and to underline in this regard the commitments of the nuclear-weapon States under the Final Document of the 2000 Review Conference, in which the ratification of the Comprehensive Nuclear-Test-Ban Treaty is envisaged as the first of 13 practical steps, and accordingly calls for the early ratification of this Treaty, in particular by the remaining nuclear-weapon States and those that are not parties to the Treaty on the Non-Proliferation of Nuclear Weapons.

Recommendation 31

To strongly call for the immediate and unconditional cessation of all nuclear weapon tests and nuclear explosions and to close and dismantle, in a transparent,

irreversible and verifiable manner, any remaining sites for nuclear test explosions and their associated infrastructure.

Recommendation 32

To call upon the nuclear-weapon States to refrain from conducting nuclear-weapon test explosions or any other nuclear explosions, or nuclear-weapon tests in alternative ways, as well as the use of new technologies for upgrading the existing nuclear weapons system, as they would undermine the object and purpose of both the Non-Proliferation Treaty and the Comprehensive Nuclear-Test-Ban Treaty.

Negative security assurances

Recommendation 33

To reaffirm that the total elimination of nuclear weapons is the only absolute guarantee against the use or threat of use of nuclear weapons as well as the risk of their unauthorized, unintentional or accidental use. Pending the total elimination of nuclear weapons, the provision of effective, universal, unconditional, non-discriminatory and irrevocable legally binding security assurances by all five nuclear-weapon States to all the non-nuclear-weapon States parties to the Treaty against the use or threat of use of nuclear weapons under all circumstances, is the legitimate right of all non-nuclear weapons States parties to the Treaty. The provision of such assurances is a commitment, the early fulfilment of which is necessary to strengthen the nuclear non-proliferation regime.

Recommendation 34

To reiterate that military and security policies, concepts and doctrines that allow the use or threat of use of nuclear weapons contravene the existing insufficient negative security assurances provided through unilateral statements made by each of the nuclear-weapon States.

Recommendation 35

To reaffirm that the mere possession or any use or threat of use of nuclear weapons would be in violation of the principles of the Charter of the United Nations and international law, in particular international humanitarian law, and that, pending the total elimination of nuclear weapons, as the only absolute guarantee against the threat or use of nuclear weapons, the nuclear-weapon States shall refrain, under all circumstances, from the use or threat of use of nuclear weapons against any non-nuclear-weapon State party to the Treaty, including, inter alia, by the complete exclusion of the use or threat of use of nuclear weapons from all their military and security concepts, doctrines and policies.

Recommendation 36

To express concern that, despite longstanding requests by non-nuclear-weapon States parties to the Treaty to receive universal legally binding negative security assurances, no tangible progress has been made in this regard.

Recommendation 37

To strongly support the immediate commencement of negotiations on effective, universal, unconditional, non-discriminatory and irrevocable legally binding security assurances against the use or threat of use of nuclear weapons under all circumstances, by all nuclear-weapon States to all non-nuclear-weapon States parties to the Treaty, pending the realization of the goal of total elimination of nuclear weapons.

Nuclear-weapon-free zones

Recommendation 38

To reaffirm that the establishment of nuclear-weapon-free-zones by the Treaties of Bangkok, Pelindaba, Rarotonga, Semipalatinsk and Tlatelolco, as well as Mongolia's nuclear-weapon-free status, represent a positive step towards attaining the objectives of the Non-Proliferation Treaty in nuclear disarmament and non-proliferation of nuclear weapons and enhancing international peace and security.

Recommendation 39

To call for further efforts aimed at establishing nuclear-weapon-free zones in the regions where they do not exist, in particular in the Middle East.

Recommendation 40

To reaffirm that the fulfilment of the obligations of the nuclear-weapon States to provide to all non-nuclear-weapon States parties to the Treaty effective, universal, unconditional, non-discriminatory and irrevocable legally binding security assurances against the use or threat of use of nuclear weapons under all circumstances, is essential in the realization of the objectives of treaties establishing such zones.

Recommendation 41

To stress the importance of the early ratification of the existing treaties establishing nuclear-weapon-free zones, by all States whose ratification is required for the entry into force of such treaties, as well as the early ratification, by all the nuclear-weapon States that have not yet done so, of the relevant protocols to those treaties in order to assure the total absence of nuclear weapons in the respective territories of parties to such treaties, as envisaged in the Non-Proliferation Treaty.

Recommendation 42

To urge the nuclear-weapon States that, having signed or ratified some of the relevant protocols to a treaty establishing a nuclear-weapon-free zone, have done so with reservations or unilateral interpretative declarations that are incompatible with the object and purpose of such treaties and affect the denuclearization status of that zone, to withdraw such reservations or unilateral interpretative declarations and to fulfil their obligations to achieve the objectives of the treaties to establish nuclear-weapon-free zones and their protocols.

Regional issues: Middle East

Recommendation 43

To reaffirm the longstanding strong global support for the speedy establishment of a nuclear-weapon-free zone in the Middle East without any further delay, as it would greatly enhance international peace and security and contribute to the achievement of a nuclear-weapon-free world and, in this context, to reaffirm once again the determination of the State parties to the Treaty to extend fullest cooperation and to exert utmost efforts with a view to ensuring the early establishment of such a zone.

Recommendation 44

To reaffirm that the 1995 Resolution on the Middle East is an essential element and integral part of the outcome of the 1995 Review and Extension Conference and of the basis on which the Non-Proliferation Treaty was indefinitely extended, without a vote, as well as that the 2000 and 2010 Review Conferences reaffirmed the importance of the Resolution and emphasized that the Resolution remains valid until its goals and objectives are achieved.

Recommendation 45

To underscore the importance of the adoption by consensus of a detailed plan of action on "the Middle East, particularly implementation of the 1995 Resolution on the Middle East", at the 2010 Review Conference, including the convening of a conference in 2012 on the establishment of a Middle East zone free of nuclear weapons and all other weapons of mass destruction.

Recommendation 46

To stress the importance of the prompt and full implementation of the 1995 Resolution and the 2010 plan of action on the Middle East, and to underline that, at the 2010 Review Conference, the States parties renewed their resolve to undertake, individually and collectively, all necessary measures aimed at the prompt implementation of the 1995 Resolution on the Middle East.

Recommendation 47

To express deep concern over the long delay in the implementation of the 1995 Resolution on the Middle East, and also at the lack of progress in the implementation of the plan of action on the Middle East adopted by the 2010 Review Conference, in particular over the failure of the conveners to convene the conference in 2012 as scheduled, which contradicts and violates the conclusions and recommendations for follow-on actions adopted by the 2010 Review Conference of the Treaty, contravenes the letter and spirit of the 1995 Resolution on the Middle East and has negative repercussions on the credibility of the Treaty, its review process and the nuclear disarmament and non-proliferation regime as a whole, and to express deep concern, in this context, that Israel continues to undermine the convening of the Conference by not declaring its intention to participate in it.

Recommendation 48

To urge in particular the three co-sponsors of the 1995 Resolution on the Middle East to fulfil their responsibility in taking all necessary measures to fully implement it without any further delay and to urge also the conveners of the 2012 Conference — the United Nations Secretary-General, the United States of America, the United Kingdom of Great Britain and Northern Ireland and the Russian Federation, — in accordance with the mandate entrusted to them by the 2010 Review Conference, to convene the Conference without any further delay in order to avoid further negative repercussions on the credibility of the Treaty, its Review process and the nuclear disarmament and non-proliferation regime as a whole.

Recommendation 49

To underscore that efforts related to the 2012 Conference, by its conveners and the Facilitator should be undertaken in accordance with the mandate adopted by the 2010 Review Conference of the Treaty, and should be focused on convening the Conference at the earliest date in 2014 and on seeking out in advance, by the conveners and the Facilitator of the Conference, credible assurances regarding the unconditional participation of Israel, the only country of the region that has not declared its participation in the Conference and that the Conference should lead, without further delay, to the universality of the Treaty in the Middle East and the establishment of a Middle East zone free of nuclear weapons and all other weapons of mass destruction.

Recommendation 50

To express great concern over the acquisition of nuclear capabilities by Israel, which poses a serious and continuing threat to the security of neighbouring and other States, and the fact that Israel continues to develop and stockpile nuclear arsenals, and to reaffirm that stability cannot be achieved in a region where massive imbalances in military capabilities are maintained, particularly through the possession of nuclear weapons, which allows one party to threaten its neighbours and the region, and constitutes a threat to international peace and security; as well as to stress also that the adoption, by the IAEA General Conference, of resolution GC(57)/RES/15 on application of IAEA safeguards in the Middle East and resolution GC(53)/RES/17 on Israeli nuclear capabilities is another manifestation of the threat posed by such capabilities to regional and international peace and security, and that Israeli nuclear Israeli nuclear capabilities remain the main obstacles to the establishment of a nuclear-weapon-free zone in the Middle East.

Recommendation 51

To reaffirm the call, by the States parties to the Non-Proliferation Treaty, at the 1995 Review and Extension Conference and the 2000 and 2010 Review Conferences, on Israel to accede to the Treaty and to place all its nuclear facilities under IAEA comprehensive safeguards; and, while expressing deep concern that Israel has not yet acceded to the Treaty, to underscore the necessity of the immediate and unconditional accession of Israel to the Treaty as a non-nuclear-weapon State, which remains an essential prerequisite for the establishment of a nuclear-weapon-free zone in the Middle East.

Recommendation 52

To demand that Israel renounce possession of nuclear weapons, accede to the Treaty without any precondition or further delay as a non-nuclear-weapon State, place promptly all its nuclear facilities under IAEA comprehensive safeguards in accordance with Security Council resolution 487 (1981) and conduct all its nuclear-related activities in full conformity with the non-proliferation Treaty, in realizing the goal of universal adherence to the Treaty, in particular in the Middle East.

Recommendation 53

To stress the need for an unequivocal commitment by each State party to the Treaty to strictly abide by its legal obligations to prohibit the transfer of any nuclear-related equipment, information, material, facilities, resources or devices, and the extension of know-how or any kind of assistance to and cooperation with Israel in the nuclear fields, as long as it remains a non-party to the Treaty and has not placed all its nuclear facilities under IAEA comprehensive safeguards. States parties to the Treaty should also undertake to disclose all information available to them on the nature and scope of Israeli nuclear capabilities, including information pertaining to previous nuclear transfers to Israel.

Recommendation 54

To reaffirm that the nuclear-weapon States, in conformity with their legal obligations under article I of the Treaty, shall solemnly undertake not to transfer nuclear weapons or other nuclear explosive devices, or control over such weapons or explosive devices directly or indirectly to Israel, and further undertake not, in any way, to assist, encourage or induce Israel to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices or control over such weapons or explosive devices under any circumstances whatsoever.

Recommendation 55

To recommend the establishment of a standing committee composed of members of the Bureau of the 2015 Review Conference to follow up intersessionally the implementation of the recommendations by the Review Conference concerning Israel's prompt accession to the Non-Proliferation Treaty and the placement of all its nuclear facilities under the IAEA comprehensive safeguards, and to submit its reports thereon to the 2020 Review Conference and its Preparatory Committee meetings.

Recommendation 56

To recall that the 2000 and 2010 Review Conferences stipulated that all States parties to the Treaty, particularly the nuclear-weapon States, the States of the Middle East and other interested States, should report to the President of the Review Conference, as well as the Chairs of its Preparatory Committee meetings, on the steps that they have taken to promote the establishment of a nuclear-weapon-free zone in the Middle East and the realization of the goals and objectives of the 1995 Resolution, and accordingly to emphasize the importance of submitting the required reports by all States parties to the Treaty, in particular the co-sponsors of the 1995 Resolution, as well as that required of the facilitator of the 2012 conference.

Safeguards and verification

Recommendation 57

To reaffirm that safeguards are accepted for the exclusive purpose of verification of the fulfilment of obligations assumed under the Non-Proliferation Treaty with a view to preventing diversion of nuclear energy from peaceful uses to nuclear weapons or other nuclear explosive devices and accordingly, they shall be implemented without affecting the inalienable rights under article IV of the Non-Proliferation Treaty, and to avoid hampering the economic or technological development of the parties or international cooperation in the field of peaceful nuclear activities, including the international exchange of nuclear material and equipment for the processing, use or production of nuclear material for peaceful purposes.

Recommendation 58

To stress the importance of achieving the universality of the comprehensive safeguards and to call upon all States parties that have not yet done so to bring into force comprehensive safeguards agreements as soon as possible with a view to consolidating and enhancing the verification system for the nuclear non-proliferation and disarmament regime, through the universalization of comprehensive safeguards and, in this context, to urge all States not parties to the Treaty to accede, without any further delay and any preconditions and as non-nuclear-weapon States, to the Treaty and to bring into force comprehensive safeguards agreements as soon as possible in order to place all their nuclear facilities and activities under IAEA comprehensive safeguards.

Recommendation 59

To acknowledge that it is fundamental to make a distinction between legal obligations and voluntary confidence-building measures, in order to ensure that such voluntary undertakings should not be considered as legal safeguard obligations.

Recommendation 60

To reaffirm that IAEA is the sole competent authority responsible for verifying the fulfilment of safeguards obligations assumed by States parties under the Non-Proliferation Treaty, with a view to preventing diversion of nuclear energy from peaceful uses to nuclear weapons and other nuclear explosive devices, as well as the global focal point for nuclear technical cooperation and that nothing should be done to undermine the authority of IAEA, and in this context to reject attempts by any IAEA member State to use the technical cooperation programme of the Agency as a tool for political purposes in violation of its statute and to call upon all States to avoid any pressure or interference in the Agency's activities, especially its verification process, that could jeopardize its efficiency and credibility.

Recommendation 61

To confirm that article III of the Treaty on verifying the peaceful nature of nuclear programmes provides credible assurances enabling States parties to engage in the transfer of nuclear equipment, material and technology for peaceful purposes in accordance with article IV and, therefore, States parties to the Treaty shall

refrain from imposing or maintaining any restriction or limitation on the transfer of nuclear equipment, material and technology to States parties with comprehensive safeguards agreements.

Recommendation 62

To emphasize that non-proliferation must be pursued and implemented, without exception, through the strict observance of and adherence to the Non-Proliferation Treaty and to the IAEA comprehensive safeguards as a condition for any cooperation in the nuclear area with States not parties to the Treaty, or for any supply arrangement with such States for the transfer of source or special fissionable material, or equipment or material specially designed or prepared for the processing, use or production of special fissionable material.

Recommendation 63

To underscore that the principle of balance between the promotional and other statutory activities of the Agency, in particular verification and safeguards-related activities, needs to be strictly observed and that IAEA shall ensure avoiding any ultra vires acts that would jeopardize its integrity and credibility.

Recommendation 64

To underline the importance of and the need for strict observance by IAEA of its statute and relevant comprehensive safeguards agreements in conducting verification activities and the necessity of IAEA reporting on the implementation of safeguards being factual and technically based and reflecting appropriate reference to the relevant provisions of safeguards agreements.

Recommendation 65

To reiterate the essential responsibility of IAEA in maintaining and observing fully the principle of confidentiality regarding all information related to the implementation of safeguards, including reporting, in accordance with the Agency's statute and safeguards agreements and the need for the regime for the protection of such confidential information to be significantly strengthened; and to urge, in this regard, the IAEA Director General to exercise the highest vigilance in ensuring the proper protection of classified safeguards information and to continue to review and update the established procedure for the protection of classified safeguards information within the secretariat.

Recommendation 66

To support furthering the establishment of safeguarded worldwide nuclear disarmament and the development of appropriate legally binding verification arrangements, within the context of IAEA, to ensure the irreversible removal of fissile material from nuclear weapons or other nuclear explosive devices and to stress the statutory role of IAEA on nuclear disarmament, including applying safeguards on nuclear materials derived from the dismantling of nuclear weapons; to recognize, in this context, the Agency capability of verifying nuclear disarmament agreements; and to call for the full implementation of action 16 of the recommendations and follow-on actions of the 2010 Review Conference and urge the nuclear-weapon States to commit to declaring to IAEA all weapon-grade fissile

material and to place such material, as soon as practicable, under the supervision of the Agency or other relevant international verification and arrangements for the use of such material for peaceful purposes, to ensure that such material remains permanently outside military programmes.

Recommendation 67

To call upon all nuclear-weapon States and all States not party to the Non-Proliferation Treaty to place all their nuclear facilities under IAEA comprehensive safeguards, in order to ensure, inter alia, preventing further diversion of nuclear energy from peaceful uses to nuclear weapons or other nuclear explosive devices, as well as the prohibition of the transfer of all nuclear-related equipment, information, material and facilities and resources or devices and the extension of assistance in the nuclear scientific or technological fields to States not parties to the Treaty without exception.

Recommendation 68

To reiterate the commitment of all States parties to the Non-Proliferation Treaty to prohibit the transfer of all nuclear-related equipment, information, material and facilities and resources or devices, and the extension of know-how or any kind of assistance in the nuclear, scientific or technological fields to Israel, as long as it remains a non-party to the Treaty and has not placed all its nuclear facilities under IAEA comprehensive safeguards.

Peaceful uses of nuclear energy

Recommendation 69

To underscore that nothing in the Non-Proliferation Treaty shall be interpreted as affecting the inalienable right of all the parties to the Treaty to develop, research, produce and use nuclear energy for peaceful purposes, without discrimination, including the development of a full national nuclear fuel cycle, and their right to participate in the fullest possible exchange of equipment, materials and scientific and technological information for the peaceful uses of nuclear energy, as well as technical cooperation among themselves or international organizations, with due consideration for the needs of the developing areas of the world, and that the realization of these rights constitutes one of the fundamental objectives of the Treaty.

Recommendation 70

To reaffirm that any measure aiming at hampering, fully or partly, the fullest exercise of the inalienable rights under article IV of the Treaty, would seriously jeopardize the delicate balance between rights and obligations of the States parties, in contravention with the Treaty's object and purpose, and would widen the gap between developed and developing countries in the use of nuclear energy for peaceful purposes.

Recommendation 71

To reaffirm the sovereign right of each State party to define its national energy and fuel-cycle policies that, inter alia, includes an inalienable right to develop, for peaceful purposes, a full national nuclear fuel cycle, and that such rights of State parties, including expanding their own production capacity in the nuclear fuel cycle, shall not, in any way, be compromised or diminished, including as a result of any possible decision in the context of multilateral approaches to the nuclear fuel cycle.

Recommendation 72

To underline that concerns related to nuclear proliferation shall not, in any way, restrict the inalienable right of any State party to develop all aspects of nuclear science and technology for peaceful purposes, without discrimination, as stipulated in article IV of the Treaty, and, accordingly, to call upon the States parties to refrain from any action that would limit certain peaceful nuclear activities on the grounds of their "sensitivity", as the Treaty does not prohibit the transfer or use of nuclear technology, equipment or material for peaceful purposes based on their sensitivity but stipulates only that such technology, equipment and material must be subject to IAEA comprehensive safeguards.

Recommendation 73

To express concern that certain unilateral, politically motivated restrictions and/or limitations seriously hamper the exercise by developing States parties of their inalienable rights to develop research, production and use of nuclear energy for peaceful purposes, including to participate in the fullest possible exchange of equipment, materials and scientific and technological information for the peaceful uses of nuclear energy.

Recommendation 74

To express concern that some States parties have set conditions that limit the export of equipment, materials and scientific and technological information for the peaceful uses of nuclear energy to developing States parties, such as concluding and bringing into force an additional protocol. Any such conditions contravenes article IV of the Treaty, which is explicit in that regard, leaving no room for reinterpretation or setting conditions for the peaceful uses of nuclear energy by non-nuclear-weapon States.

Recommendation 75

To reaffirm that any interpretation that is used as a pretext to prevent the transfer of nuclear technology for peaceful purposes is inconsistent with the object and purpose of the Treaty, and, therefore, to strongly call for the fulfilment of the obligations under article 4 (2) of the Treaty with regard to exports, to other States parties, of nuclear material, equipment and technology for peaceful purposes.

Recommendation 76

To emphasize that non-proliferation control arrangements should be transparent and open to participation by all States and should ensure and facilitate,

to the fullest extent possible, the access by developing countries parties to the Treaty to nuclear material, equipment or technology for peaceful purposes in accordance with the provisions of the Non-Proliferation Treaty.

Recommendation 77

To express deep concern over the ability of certain States not party to the Treaty to obtain, in particular from some nuclear-weapon States, nuclear materials, technology and know-how to develop nuclear weapons, and to strongly call for the enforcement, without exception or further delay, of the total and complete prohibition, as stipulated in the Treaty, of the transfer of nuclear-related equipment, information, material and facilities, resources or devices and the extension of assistance in the nuclear, scientific or technological fields to States not party to the Treaty.

Recommendation 78

To underscore the importance of IAEA assistance in particular to its developing member States in planning for and using nuclear science and technology for peaceful purposes, and the need for strengthening this role of the Agency, and, in this regard, to call on IAEA to ensure a balance between technical cooperation and its other activities.

Recommendation 79

To stress that the IAEA Technical Cooperation Programme, as the main vehicle for the transfer of nuclear technology for peaceful purposes, should continue to be formulated and implemented in accordance with the statute of IAEA and the agreed guiding principles as contained in INFCIRC/267 and the decisions of IAEA policymaking organs, as well as under preferential and concessional terms; and to underline that the current guidelines and criteria for the selection of technical cooperation projects are robust and effective, and that no additional criteria should be imposed for fulfilling the above-mentioned objectives.

Recommendation 80

To strongly reject any attempt by any State to politicize the work of IAEA, including the use of its Technical Cooperation Programme as a tool for political purposes, which would be in violation of the statute of the Agency.

Recommendation 81

To stress the importance of full compliance, by the developed countries parties to the Treaty, with the obligations under article IV (2) of the Treaty, which stipulates that parties to the Treaty in a position to do so shall also cooperate in contributing alone or together with other States or international organizations to the further development of the applications of nuclear energy for peaceful purposes, especially in the territories of non-nuclear-weapon States parties to the Treaty, with due consideration for the needs of the developing areas of the world, and to underscore, in this regard, that, as a fundamental principle, in all activities designed to promote the peaceful uses of nuclear energy, preferential treatment shall be given to the non-nuclear-weapon States parties to the Treaty, particularly taking into account the needs of developing countries.

Recommendation 82

To recognize that the primary responsibility for nuclear safety rests with individual States, to reaffirm the central role of IAEA in nuclear safety-related matters, including through the establishment of nuclear safety standards, owing to its mandatory functions and longstanding expertise; and to stress that any possible review of nuclear safety standards at the global level must be carried out within IAEA in an inclusive, gradual and transparent manner, with the guidance and participation of and in consultation with all member States, that shall incorporate the views of all member States.

Recommendation 83

To recognize that the primary responsibility for nuclear security rests with individual States and that IAEA has the mandate, the authority and the central role in the area of nuclear security; and to reaffirm that any process to develop multilateral norms, guidelines or rules on nuclear security should be pursued within the framework of IAEA, should be driven by Member States, should be negotiated multilaterally in a gradual, inclusive and transparent manner incorporating the views of all Member States and should not encroach upon the mandate, competence and central role of IAEA in the area of nuclear security.

Recommendation 84

To emphasize that measures and initiatives aimed at strengthening nuclear safety and nuclear security must not be used as a pretext or leverage to violate, deny or restrict the inalienable right of States parties to develop research, production and use of nuclear energy for peaceful purposes without discrimination.

Recommendation 85

To strongly emphasize that any decision in the context of multilateral approaches to the nuclear fuel cycle must be consistent with the IAEA statute and the Non-Proliferation Treaty, without any prejudice to the inalienable right of each State party to the Treaty to develop research, production and use of nuclear energy and sciences, in all their aspects, for peaceful purposes, and, if it so decides, to develop a full national nuclear fuel cycle, according to article IV of the Treaty; to underscore that such decisions shall be made by consensus following wide, integral, comprehensive and transparent multilateral consultations, with the participation, and taking into account the interests of all IAEA member States, as well as all technical, legal, political and economic implications and complexities surrounding this sensitive matter; and to underline that every effort should be made to ensure that any related mechanism is sustainable, non-discriminatory, predictable, transparent and economically viable, under the auspices of IAEA.

Recommendation 86

To reiterate a need for caution in thoroughly addressing the associated technical, legal and economic aspects, as well as the underlying political dimensions of the issue of assurances of nuclear fuel supply, and to stress the necessity to ensure that any further consideration of this issue is based on a coherent and comprehensive conceptual framework that adequately addresses the views and concerns of all States parties and that any proposal that eventually emerges in this

regard is in full accordance with the Non-Proliferation Treaty and takes into account the respective legal obligations of States parties and the principle of non-discrimination.

Recommendation 87

To reaffirm the inviolability of peaceful nuclear activities and that any attack or threat of attack against peaceful nuclear facilities — operational or under construction — poses a great danger to human lives and the environment, and constitutes a grave violation of international law, the principles and purposes of the Charter of the United Nations and resolutions of IAEA; to recognize the need for a comprehensive multilaterally negotiated legally binding instrument prohibiting attacks and the threat of attacks on nuclear facilities devoted to peaceful uses of nuclear energy; and, pending the conclusion of such an instrument, to strongly urge all States to refrain from attacks or the threat of attacks on such facilities.

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Preparatory Committee for the 2015 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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Article VI of the Treaty on the Non-Proliferation of Nuclear Weapons

Working paper submitted by Ireland on behalf of the New Agenda Coalition (Brazil, Egypt, Ireland, Mexico, New Zealand and South Africa)

Article VI of the Treaty on the Non-Proliferation of Nuclear Weapons:

> "Each of the Parties to the Treaty undertakes to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a treaty on general and complete disarmament under strict and effective international control."

Background to the working paper

1. It has been 68 years since the General Assembly of the United Nations, in its first resolution, called for the establishment of a Commission to make proposals for "the elimination from national armaments of atomic weapons and of all other major weapons adaptable to mass destruction".[1] Twenty-four years later, the Treaty on the Non-Proliferation of Nuclear Weapons entered into force. That Treaty established a basis for pursuing the cessation of the nuclear arms race at an early date and for nuclear disarmament and established a number of prohibitions aimed at preventing the wider dissemination of nuclear weapons while reaffirming the inalienable right of all States parties to research, develop and use nuclear energy for peaceful purposes.

2. Implementation of the Treaty's objective of preventing nuclear weapons proliferation began when the Treaty entered into force. However, 44 years later, the framework prescribed by the Treaty for achieving its mutually reinforcing objectives — "cessation of the nuclear arms race at an early date and nuclear disarmament" — still remains unimplemented. As a result of this, progress on achieving the Treaty's disarmament objectives lags significantly behind the implementation of its non-proliferation objectives.

[1] See General Assembly resolution 1, entitled "Establishment of a Commission to deal with the problems raised by the discovery of atomic energy" (24 January 1946).

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3. The Treaty initially entered into force for a fixed period of 25 years, after which the question of whether it should continue in force would require a decision of all parties to the Treaty.[2] It is reasonable to assume that when the Treaty opened for signature in 1968, the outcome of a decision to be taken 27 years later as to whether the Treaty should continue in force beyond 1995 could not be predicted with any certainty. This would seem to raise a presumption that, in the absence of timelines for disarmament explicitly specified within the Treaty, it was envisaged that the Treaty would achieve its disarmament objectives either (i) within the initial 25-year lifespan or, alternatively; (ii) on the basis of timelines to be agreed and established within the set of "effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament," which article VI of the Treaty obliges all parties to the Treaty to pursue in good faith. Neither has happened.

4. At the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, the Conference of the Parties to the Treaty, "[h]aving reviewed the operation of the Treaty and affirming that there is a need for full compliance with the Treaty, its extension and its universal adherence, which are essential to international peace and security and the attainment of the ultimate goals of the complete elimination of nuclear weapons and a treaty on general and complete disarmament under strict and effective international control,"[3] agreed without a vote to extend the Treaty indefinitely so that the obligations assumed under it could continue in force. This included all obligations under the Treaty, including article VI, which remains unfulfilled.

5. The 2000 Review Conference agreed on a series of 13 practical steps for systematic and progressive efforts to implement article VI of the Treaty and paragraphs 3 and 4 (c) of the 1995 decision on "Principles and objectives for nuclear non-proliferation and disarmament". Fourteen years later, these 13 steps, which included an "unequivocal undertaking by the nuclear-weapon States to accomplish the total elimination of their nuclear arsenals leading to nuclear disarmament, to which all States parties are committed under article VI",[4] remain largely unfulfilled. The "unequivocal" nature of this undertaking by the nuclear-weapon States would seem to have been undermined by subsequent claims by some nuclear-weapon States that they have reached the limits of their minimum credible nuclear deterrence requirements and therefore cannot reduce their nuclear arsenals further in current circumstances. The undertaking is further called into question by ongoing vertical proliferation and modernization programmes and by failures to de-alert operational weapons as a means of reducing nuclear tensions.

6. The 2010 Review Conference noted "the reaffirmation by the nuclear-weapon States of their unequivocal undertaking to accomplish, in accordance with the principle of irreversibility, the total elimination of their nuclear arsenals leading to

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[2] See article X (2) of the Treaty: "Twenty-five years after the entry into force of the Treaty, a conference shall be convened to decide whether the Treaty shall continue in force indefinitely, or shall be extended for an additional fixed period or periods. This decision shall be taken by a majority of the Parties to the Treaty."

[3] See NPT/CONF.1995/32 (Part I), annex, decision 3.

[4] See 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons: Final Document, vol. I, part I, "Review of the operation of the Treaty, taking into account the decisions and the resolution adopted by the 1995 Review and Extension Conference" (NPT/CONF.2000/28 (Parts I and II)), p. 14, para. 15.

nuclear disarmament, to which all States parties are committed under article VI of the Treaty".[5] That Conference agreed on a 64-point action plan across all pillars of the Treaty, as part of which the nuclear-weapon States committed "to accelerate concrete progress on the steps leading to nuclear disarmament, contained in the Final Document of the 2000 Review Conference", including by "rapidly moving towards an overall reduction in the global stockpile of all types of nuclear weapons, as identified in action 3". This action plan called upon the nuclear-weapon States to engage promptly with a view to undertaking certain confidence-building measures and to report on progress in implementing these undertakings to the Preparatory Committee at 2014.[6] Following the failure to implement the 13 steps of 2000, the question of whether the 2010 Review Conference may be judged to have been successful will depend upon the extent to which implementation of the 2010 action plan can be demonstrated to have progressed within the current Non-Proliferation Treaty review cycle.

7. Despite significant reductions in the numbers of nuclear weapons being stockpiled since the Cold War, the global nuclear arsenal today stands in excess of 17,000 weapons, with vertical nuclear weapons proliferation and modernization programmes ongoing and intended to continue for decades to come. At the same time, a number of nuclear-weapon States have confirmed that nuclear weapons are and will remain an integral part of their national and alliance military doctrines. The obligation upon States parties to establish a framework for achieving "cessation of the nuclear arms race at an early date and nuclear disarmament" under article VI of the Non-Proliferation Treaty has not been fulfilled. The 13 practical steps for systematic and progressive efforts towards achieving this have not been implemented. As a result, the Non-Proliferation Treaty framework for nuclear disarmament lacks the mechanisms to bring about the urgency, focus and clarity necessary for the Treaty to achieve its own objective. Despite this, the nuclear-weapon States have refused to engage in or support meaningful discussions about the humanitarian impact of nuclear weapons, the follow-up process to the high-level meeting of the General Assembly on nuclear disarmament, or the Open-ended Working Group on taking forward nuclear disarmament negotiations, each of which is entirely consistent with and supportive of article VI of the Non-Proliferation Treaty and all of which offer prospects for making progress on the nuclear-weapon States' own freely given unequivocal undertakings. This calls into question the seriousness with which the nuclear-weapon States approach their unequivocal undertaking to accomplish the total elimination of their nuclear arsenals leading to nuclear disarmament. For the vast majority of States that took a sovereign decision to forego nuclear weapons, in return for which they were given assurances of complete nuclear disarmament, this state of affairs is neither acceptable nor sustainable.

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[5] See 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons: Final Document (NPT/CONF.2010/50 (Vol. I)), part I, para. 79.

[6] See 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, Final Document, vol. I, part I, "Review of the operation of the Treaty, as provided for in its article VIII (3), taking into account the decisions and the resolution adopted by the 1995 Review and Extension Conference and the Final Document of the 2000 Review Conference: Conclusions and recommendations for follow-on actions (NPT/CONF.2010/50 (Vol. I), p. 21, action 5).

8. The Final Document of the 2010 Review Conference records that the Conference affirmed that "all States need to make special efforts to establish the necessary framework to achieve and maintain a world without nuclear weapons".[7] As we enter the final year of the 2015 review cycle, no such framework has been established and no exploratory or preparatory discussions have commenced so as to give effect to this commitment.

9. The purpose of this paper is to explore possible options for a framework of "effective measures" that are envisaged and required by article VI of the Treaty, and to examine how these might be elaborated in practice on terms that would strengthen article VI as an effective means for achieving the core disarmament objectives of the Treaty.

The problem: an incomplete nuclear disarmament framework as the quid pro quo for a functioning nuclear non-proliferation framework

10. Under the terms of the Treaty, the overwhelming majority of States entered into legally binding commitments not to receive, manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices in the context, inter alia, of the corresponding legally binding commitments by the nuclear-weapon States to nuclear disarmament in accordance with the Treaty. Believing "that the proliferation of nuclear weapons would seriously enhance the danger of nuclear war",[8] the parties to that Treaty desired "to further the easing of international tension and the strengthening of trust between States in order to facilitate the cessation of the manufacture of nuclear weapons, the liquidation of all their existing stockpiles, and the elimination from national arsenals of nuclear weapons and the means of their delivery..."[9]

The global nuclear non-proliferation framework

11. Implementation of the Treaty's non-proliferation agenda has been, for the most part, successful. In the 44 years since the Treaty's entry into force, the overwhelming majority of non-nuclear-weapon States remain faithful to their promises to forego the acquisition of nuclear weapons in exchange for promises of disarmament from the nuclear-weapon States. Global nuclear non-proliferation efforts are structurally supported and advanced by the International Atomic Energy Agency (IAEA) safeguards system and by broad participation in the decision-making bodies established by the statute of IAEA. Most countries have voluntarily adopted additional arrangements aimed at preventing nuclear weapons proliferation. If possible questions of compliance by non-nuclear-weapon States should arise, there are procedures and mechanisms by which these can be raised and examined. If serious concerns should arise, they can be referred to the IAEA Board of Governors and, in cases of particular gravity, to the United Nations Security Council. However, it is difficult to pursue non-proliferation effectively while openly failing on nuclear disarmament. The mutually reinforcing nature of nuclear disarmament and nuclear non-proliferation requires the effective implementation of both Treaty imperatives, since the success of one is dependent on and integrally linked to the achievement of

[7] Ibid., sect. II.B, para. iii.
[8] Treaty on the Non-Proliferation of Nuclear Weapons, second preambular paragraph.
[9] Ibid., eleventh preambular paragraph.

the other. Without the requisite progress on nuclear disarmament, the objectives of the Treaty will never be realized.

The global nuclear disarmament regime

12. In contradistinction to the high number of initiatives and arrangements currently in place to support the Treaty's non-proliferation agenda, the Treaty's article VI disarmament agenda has not been accorded the requisite priority. Despite a clear mandate within the statute of IAEA for the application of safeguards to any bilateral or multilateral arrangement and a role in "furthering the establishment of safeguarded worldwide disarmament", some States actively resist the application of IAEA safeguards to nuclear disarmament activities. The IAEA Board of Governors and its General Conference have not been given a role beyond those States that have eliminated all their nuclear weapons and joined the Treaty as non-nuclear-weapon States.

13. It is not acceptable that, 44 years after the entry into force of the Non-Proliferation Treaty, and 19 years after it was indefinitely extended, the parties to the Treaty have not yet elaborated the "effective measures" that article VI requires. This is despite the fact that the International Court of Justice, in its 1996 advisory opinion, concluded unanimously that there exists an obligation to pursue in good faith *and bring to a conclusion*[10] negotiations leading to nuclear disarmament in all its aspects under strict and effective international control.[11]

14. Against this backdrop of decades of failure to elaborate and implement a viable and functioning framework for multilateral nuclear disarmament within the terms of article VI of the Treaty, the recent re-emergence of discussion and debate around the humanitarian consequences that would flow from any nuclear weapon detonation is particularly timely in that it has presented a stark picture of the potential consequences of continued collective inaction.

The humanitarian imperative for achieving and maintaining a world without nuclear weapons

15. It is a fact that the catastrophic and potentially irreversible implications of any nuclear weapon detonation are known to and understood by all States.

16. The Non-Proliferation Treaty itself was concluded in the knowledge and understanding of "the devastation that would be visited upon all humankind by a nuclear war and the consequent need to make every effort to avert the danger of such a war and to take measures to safeguard the security of peoples..."[12] Until the commencement of the present Non-Proliferation Treaty review cycle, there has been insufficient debate about what this might mean in practice. The 2010 Review Conference Final Document clearly expressed the Conference's "deep concern at the continued risk for humanity represented by the possibility that these weapons could be used and the catastrophic humanitarian consequences that would result from the use of nuclear weapons". That this narrative has been taken up enthusiastically by a majority of United Nations Member States and a majority of Non-Proliferation Treaty States parties within the period of the current Non-Proliferation Treaty

[10] Emphasis added.

[11] Advisory opinion of 8 July 1996: Legality of the threat or use of nuclear weapons.

[12] Treaty on the Non-Proliferation of Nuclear Weapons, first preambular paragraph.

review cycle demonstrates that it is of central relevance to the issue of nuclear disarmament in the Treaty context. Humanitarian concerns were a motivating factor in establishing the Non-Proliferation Treaty; they remain a motivating factor in insisting that its provisions are implemented fully.

17. Recent fact-based discussions around the humanitarian consequences of nuclear weapons, including at two open-ended Conferences on the Humanitarian Impact of Nuclear Weapons, convened by Norway in March 2013 and by Mexico in February 2014, have enabled us to deepen our collective understanding of these calamitous consequences and of the increasing risks to life and health arising from possible (and actual) accidents, human error or systems failures at nuclear weapons facilities.[13] A key message from experts and international organizations throughout these discussions has been that no State or international body has the capacity to address the humanitarian emergency caused by a nuclear weapon detonation or to provide adequate assistance to the victims.

18. In addition to the immediate consequences for victims killed or injured by a detonation, the calamitous longer-term and trans-boundary implications — for human survival and the health of future generations; for our environment and ecosystems; for agriculture; for socioeconomic development; and for our economies — are also clearly understood.

19. The inescapable conclusion that has been drawn by the majority of United Nations Member States from this fact-based discussion is very clear:

> It is in the interest of the very survival of humanity that nuclear weapons are never used again, under any circumstances. The catastrophic effects of a nuclear weapon detonation, whether by accident, miscalculation or design, cannot be adequately addressed. All efforts must be exerted to eliminate the threat of these weapons of mass destruction.
>
> The only way to guarantee that nuclear weapons will never be used again is through their total elimination. All States share the responsibility to prevent the use of nuclear weapons, to prevent their vertical and horizontal proliferation and to achieve nuclear disarmament, including through fulfilling the objectives of the Non-Proliferation Treaty and achieving its universality.[14]

20. States parties to the Non-Proliferation Treaty elaborated, concluded, agreed and ratified that Treaty having considered "the devastation that would be visited upon all mankind by a nuclear war and the consequent need to make every effort to avert the danger of such a war and to take measures to safeguard the security of peoples".[12] With the benefit of an increased understanding of the consequences that would flow from any nuclear weapon detonation — whether by accident, miscalculation or design — and knowing that the only way to guarantee fully against even the remotest possibility of a detonation is through the total elimination of all nuclear weapons, States bear a significantly heightened responsibility to move actively — and now — to meet the disarmament objectives of article VI in full.

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[13] See: New Agenda Coalition working paper submitted to the Third Preparatory Committee of the 2015 Review Conference, entitled "Humanitarian impact of nuclear weapons: known risks and consequences".

[14] See statement delivered by New Zealand on behalf of 125 States, sixty-eighth United Nations General Assembly First Committee meeting, New York, 21 October 2013.

21. Failure to establish a structured framework — involving nuclear weapon States and non-nuclear-weapon States alike — to pursue multilateral nuclear disarmament, as required by the Non-Proliferation Treaty, has meant that the process of disarmament has taken on the appearance of a voluntary endeavour to be undertaken by the nuclear-weapon States at a pace, in a manner, and on terms to be decided exclusively by them. However, as the Treaty's obligation to pursue effective measures for the collective achievement of nuclear disarmament makes clear, as the 1996 advisory opinion of the International Court of Justice confirms, and as the nuclear-weapon-States' own unequivocal undertakings "to accomplish the total elimination of their nuclear arsenals" would seem to acknowledge, nuclear disarmament, however onerous and expensive, is not a voluntary endeavour. It is a Treaty obligation.

22. As we advance towards the 2015 Review Conference, the New Agenda Coalition, through the present working paper, calls for serious and sustained discussion around the Non-Proliferation Treaty requirement that all parties to the Treaty must pursue and elaborate "effective measures" for the achievement of the Treaty's irreducible disarmament imperatives. This discussion will hopefully give added focus to any outcome of the 2015 Review Conference and assist in orientating the wider nuclear disarmament discussion beyond 2015.

The need for a clear, legally-binding, multilateral commitment to achieve nuclear disarmament

23. In the Open-ended Working Group on taking forward multilateral nuclear disarmament negotiations, the New Agenda Coalition asserted that the key to maintaining the integrity and sustainability of the global nuclear disarmament and non-proliferation regime is through the elaboration of "a clear, legally binding, multilateral commitment to achieve nuclear disarmament, which would underpin and guide all future efforts towards nuclear disarmament".[15] In terms of what this might entail, the New Agenda Coalition suggested that, "What is needed is a comprehensive and legally binding framework committing all States to a world free of nuclear weapons, which the New Agenda Coalition has consistently advocated for ... implemented in an unconditional manner and backed by clearly defined timelines and benchmarks".[16]

24. Any such clear, freely entered into, legally binding, multilateral commitment, however elaborated, would be entirely consistent with the demand in article VI of the Non-Proliferation Treaty for "effective measures" to end the nuclear arms race and achieve nuclear disarmament. The pursuit of such a commitment would be equally consistent with action 1 of the 64-point action plan agreed on at the 2010 Review Conference, which requires that:

> "All States parties commit to pursue policies that are fully compatible with the Treaty and the objective of achieving a world without nuclear weapons."

25. To achieve and maintain a world free of nuclear weapons, the New Agenda Coalition has suggested that among the measures that will need to be established as part of this legally binding commitment are: a prohibition against the use or threat

[15] See New Agenda Coalition working paper to the Open-ended Working Group, entitled "Elements for the achievement and maintenance of a world without nuclear weapons" (A/AC.281/WP.10), para. 14.

[16] Ibid.

of use of nuclear weapons; a prohibition against the possession, stockpiling, development or transfer of nuclear weapons; a prohibition against the production of or the use of already existing fissile material for nuclear weapons and the placing of all such fissile material under international safeguards; and a prohibition against nuclear-weapons tests in all their forms, including both supercritical and subcritical tests. To these would be added an obligation to achieve the complete elimination of nuclear weapons.[17]

Elements essential to any instrument creating a set of effective measures relating to cessation of the arms race at an early date and to nuclear disarmament

26. Enlarging upon this to set out a core list of elements that will form an essential part of any instrument or arrangement of instruments creating the set of "effective measures relating to cessation of the arms race at an early date and to nuclear disarmament" that article VI of the Non-Proliferation Treaty obliges States to elaborate, the following is suggested:

(i) A series of legal prohibitions against the development, testing, production, stockpiling, transfer, use and threat of use of nuclear weapons;

(ii) An unequivocal and legally binding obligation to enter into a transparent, irreversible and verifiable process of complete nuclear disarmament;

(iii) Provisions for the control of fissile and other nuclear materials relevant to nuclear explosive devices such that these will not be used for weapons or other nuclear explosive purposes;

(iv) An effective means of verifying the implementation of the obligations and prohibitions arising under the instrument or framework, including through declarations, inspections, monitoring, cooperation, fact-finding, compliance and dispute-settlement mechanisms, etc.;

(v) A framework of national implementation measures;

(vi) An effective and non-discriminatory means of protecting States' entitlement to the exclusively peaceful uses of nuclear technology, subject, in all cases, to safeguards.

Early consideration should be given to:

(vii) The practical, technical, legal, financial, administrative and other arrangements required for the creation of a treaty body to oversee all related activities and objectives, including through the creation of policy- and decision-making organs of the treaty body, the membership of which would be composed of State representatives.

27. The present working paper is designed to bring into the Non-Proliferation Treaty review cycle a serious discussion on the essential constituent elements that will be required if the instrument is to achieve its objective. To test how these elements might function in practice, States could explore a number of options for "effective measures" to implement article VI that have been suggested in the public discourse on nuclear disarmament.

[17] Ibid., para. 11.

28. The commencement of discussions around the options for effective measures to implement article VI of the Non-Proliferation Treaty does not in any way obviate or alter the need for urgent action on other existing obligations, commitments and undertakings entered into freely under the Treaty and at successive Treaty Review Conferences. In this regard, efforts must be intensified towards the establishment of nuclear-weapon-free zones where they do not yet exist and, in particular, in the Middle East in fulfilment of the 1995 resolution on the Middle East, agreed as part of a package of agreements that included the indefinite extension of the Treaty and reaffirmed by the 2000 and 2010 Review Conferences.

Options that have been suggested for the achievement and maintenance of a world free of nuclear weapons

29. Various options for achieving and maintaining a world free of nuclear weapons suggest themselves or have been suggested in the public discourse on nuclear disarmament. These options should now be explored, discussed and tested against the requirements of article VI. They are described in more detail in the annexes to this paper. They may be summarized as follows:

(1) A comprehensive **Nuclear Weapons Convention**, which, in setting out general obligations, prohibitions and an effective basis for time-bound, irreversible and verifiable nuclear disarmament, would complement the Chemical Weapons Convention and the Biological and Toxin Weapons Convention as an effective measure for the elimination of all weapons of mass destruction;

(2) A **Nuclear Weapons Ban Treaty**, which would establish the key prohibitions necessary for the pursuit, achievement and maintenance of a world free of nuclear weapons; such a Treaty could, but need not, additionally set out the practical arrangements required for implementing and overseeing effective, time-bound, irreversible and verifiable nuclear disarmament;

(3) A **framework arrangement** of mutually supporting instruments aimed at achieving and maintaining a world free of nuclear weapons. These would work in concert to establish the key prohibitions, obligations and arrangements for the achievement and maintenance of a world free of nuclear weapons;

(4) A **hybrid arrangement** which might include elements of all or any of the above options, or new elements.

30. The New Agenda Coalition does not assert that the above list of options is exhaustive; other options may suggest themselves or be suggested. Nor are any options presented as being necessarily mutually exclusive to, or in competition with, each other. In order to realize the Non-Proliferation Treaty's shared goal of a world without nuclear weapons, it is in the interests of all States to participate in discussions around each of the options described above from the outset and to strive for the universality of any effective measures that might emerge from these discussions, pursuant to article VI of the Treaty. The New Agenda Coalition calls for all options to be discussed, examined and tested in full against the requirements of article VI, with a view to the early agreement of a framework to be implemented. The New Agenda Coalition asserts again that this is a treaty obligation upon all States parties to the Non-Proliferation Treaty. Each article of the Treaty is binding

on the States parties at all times and in all circumstances; all States parties should be held fully accountable with respect to strict compliance with their obligations under the Treaty.

31. Any of the options suggested would advance the object and purpose of the Non-Proliferation Treaty in the manner envisaged and required by article VI of the Treaty, through the pursuit and conclusion of negotiations on "effective measures" to complement and complete the Treaty's disarmament framework.

The need for full implementation of article VI as a constituent element of the Non-Proliferation Treaty

32. Serious discussion is required on all aspects of the requirement of article VI of a framework for nuclear disarmament. All available forums should be used, including, but not limited to, the standing institutions in which disarmament issues should be addressed and more recent initiatives such as the follow-up process to the 2013 high-level meeting of the General Assembly on nuclear disarmament, the Open-ended Working Group on taking forward multilateral nuclear disarmament negotiations reconstituted under a new mandate and at stand-alone conferences that address disarmament issues. The New Agenda Coalition will continue to call for discussions in all of these forums.

33. Unless and until all options for the elaboration of the "effective measures" envisaged by article VI are explored, the present stalled pace of disarmament will continue. This will place increasing and intolerable pressure on a treaty that has already been accused of being discriminatory in that its Conference of States Parties has consistently pressed the Treaty's non-proliferation agenda with vigour and urgency while persistently failing to establish a functioning framework for complete nuclear disarmament as agreed. The perception of discrimination has not been helped by defence doctrines that appear to suggest that nuclear-weapon States, nuclear alliance States and nuclear umbrella States are entitled to retain and/or rely upon what is described as a "credible" or "minimum" deterrent nuclear weapons capability as a necessary means of ensuring their security, potentially in perpetuity, or by claims that international security conditions are not at present conducive to a world without nuclear weapons. The situation is exacerbated by ongoing nuclear weapons modernization programmes (amounting to a de facto qualitative nuclear arms race) and by the continued forward deployment of nuclear weapons on the territory of non-nuclear-weapon States.

34. The New Agenda Coalition sees a direct causal link between the retention of nuclear weapons and possible attempts to acquire them. The dynamic of an arms race has always been that possession provides the incentive for acquisition; proliferation begets proliferation.

35. Given that more than four decades have passed since the entry into force of the Non-Proliferation Treaty, and almost seven decades have passed since the first General Assembly resolution called for proposals for "the elimination from national armaments of atomic weapons and all other major weapons adaptable to mass destruction", the status quo is unacceptable. The New Agenda Coalition believes it is long past time for States to deliver upon their repeated expressions of political commitment to the elimination of nuclear weapons in line with Non-Proliferation Treaty obligations, to be reflected in substantial action to safeguard future generations from the danger of a nuclear disaster arising from the use of nuclear weapons.

Annex I

Option 1: A comprehensive Nuclear Weapons Convention

1. A model Nuclear Weapons Convention was submitted as an official document to the sixty-second session of the General Assembly of the United Nations.[a] This detailed document sets out the legal, technical and political elements which it suggests are required for the establishment and maintenance of a nuclear weapons-free world. It includes among its main elements:

(1) A set of **general obligations** prohibiting the development, testing, production, stockpiling, transfer, use and threat of use of nuclear weapons and requiring States possessing nuclear weapons to destroy them;

(2) A **declarations** obligation, under which States parties to the Convention would be required to declare all nuclear weapons, nuclear material, nuclear facilities and nuclear weapons delivery vehicles that they possess or control and the locations of these;

(3) A phased process of nuclear weapons **elimination**, involving five phases of elimination: (i) de-alerting; (ii) removal from deployment; (iii) removal of warheads from their delivery vehicles; (iv) disabling of the warheads; and (v) removal and disfiguring of the "pits" and placement of fissile material under international control;

(4) A **verification** process, which would include declarations and reports from States, routine inspections, challenge inspections, on-site sensors, satellite photography, radionuclide sampling and other remote sensors, information-sharing with other organizations, and citizen reporting;

(5) A set of **national implementation measures**, through which States parties would be required to adopt necessary legislative measures to implement their obligations under the Convention to provide for the prosecution of persons committing crimes and for the protection for persons reporting violations of the Convention; States would also be required to establish a national authority responsible for national tasks in implementation;

(6) A series of **rights and obligations** for individuals, legal entities and States;

(7) The establishment of an **Agency** to implement the Convention. This would be responsible for verification, ensuring compliance, and decision-making, and would comprise a conference of States parties, an executive council and a technical secretariat;

(8) Provisions regarding **nuclear material**, which would prohibit the production of any fissionable or fusionable material that can be used directly to make a nuclear weapon, including plutonium (other than that

[a] See annex to the letter dated 17 December 2007 from the Permanent Representatives of Costa Rica and Malaysia to the United Nations addressed to the Secretary-General (A/62/650, dated 18 January 2008).

in spent fuel) and highly enriched uranium. Low enriched uranium would be permitted for nuclear energy purposes;

(9) Procedures for **cooperation, compliance and dispute settlement**, which include provisions for consultation, cooperation and fact-finding to clarify and resolve questions of interpretation with respect to compliance and other matters, with the possibility of referrals to the International Court of Justice and a series of graduated responses for non-compliance;

(10) A means of clarifying **how the Convention would relate to other international agreements**. The model Nuclear Weapons Convention would represent the implementation of article VI, of a universally adhered to Non-Proliferation Treaty, and build on existing nuclear non-proliferation and disarmament regimes and verification and compliance arrangements, including the Non-Proliferation Treaty, International Atomic Energy Agency Safeguards, Comprehensive Test Ban Treaty Organization International Monitoring System and bilateral agreements between the Russian Federation and the United States of America. In some cases, the model Nuclear Weapons Convention may add to the functions and activities of such regimes and arrangements. In other cases, the model Nuclear Weapons Convention would establish additional complementary arrangements;

(11) Details as to **financing**, under which nuclear-weapon States would meet the costs of eliminating their nuclear arsenals and an international fund would be established to assist States facing financial difficulties in meeting their obligations;

(12) The inclusion of an **optional protocol concerning energy assistance**, which would establish a programme of energy assistance for States parties choosing not to develop nuclear energy or to phase out existing nuclear energy programmes.

2. As set out above, a comprehensive Nuclear Weapons Convention would complement the Chemical Weapons Convention and the Biological and Toxin Weapons Convention and, thereby, complete the international treaty framework for the elimination and prohibition of all weapons of mass destruction. The draft submitted to the sixty-second session of the General Assembly could offer a useful basis for States to begin discussions exploring the concept of a comprehensive Convention and how it would work in practice.

3. Consideration would have to be given to how a comprehensive Convention would operate in practice alongside — in support of — the Non-Proliferation Treaty, particularly if both arrangements enjoy different levels of adherence. Article VI of the Non-Proliferation Treaty does not require that any new "effective measure" be situated within the text of the Non-Proliferation Treaty, but simply that measures must be elaborated in support of the Treaty's object and purpose. Consistent with general international law, it would, of course, be possible for non-Non-Proliferation Treaty States to adhere to a Convention (either as a stand-alone instrument or as part of a wider framework arrangement) without first being required to adhere to the Non-Proliferation Treaty. The effect would be to facilitate the implementation of Non-Proliferation Treaty norms and obligations on terms that permit non-Non-Proliferation Treaty State participation. Non-Proliferation Treaty universality

could of course follow and as now would be encouraged. At the same time, it is possible that certain Non-Proliferation Treaty States may be disinclined to join a Convention, at least initially. States should explore what this might mean for the Non-Proliferation Treaty, for a comprehensive Convention, and for the respective groups of States adhering to (or choosing not to adhere to) each.

4. Examination of a comprehensive Nuclear Weapons Convention should explore fully all practical issues that may arise in the implementation of the Convention's provisions in order to support article VI of the Non-Proliferation Treaty.

Annex II

Option 2: A Nuclear Weapons Ban Treaty

1. While many States have recognized the need to eliminate and abolish nuclear weapons internationally, this has not manifested itself in any exploratory or preparatory work or discussion by States around the concept of a Ban Treaty as a contributor to disarmament and non-proliferation efforts. As a possible means of ensuring the full implementation of article VI, the Ban Treaty option should be examined by States as with all other options.

2. At its simplest, a Nuclear Weapons Ban Treaty could be established through a short legally binding instrument that codifies in relatively simple terms the detail of the prohibitions implicitly assumed by all of the non-nuclear-weapon States when they joined the Non-Proliferation Treaty. To achieve this, the Treaty could simply set out a short sequence of general obligations and prohibitions similar to those set out in the general obligations section of the draft model Nuclear Weapons Convention submitted to the General Assembly at its sixty-second session. Through such provisions, a Ban Treaty could establish existing Non-Proliferation Treaty obligations and commitments on a more clearly defined footing and continue them in effect.

3. As distinct from a comprehensive Convention, it would not seem necessary for a Ban Treaty to prescribe the kinds of legal and technical arrangements needed for the establishment and maintenance of a nuclear weapons-free world. It could of course prescribe such arrangements to the extent that States might wish. However, if not prescribed in a Ban Treaty, such arrangements would need to be prescribed by other means. In this sense, it would appear that a short-form Ban Treaty, which simply prohibits the weapons, might usefully be examined as either an instrument building upon existing obligations in a longer-term process towards elaborating a complete set of effective measures for the achievement and maintenance of a world without nuclear weapons or, alternatively, as just one constituent element of a wider framework arrangement to achieve the same ends (see Option 3 — "framework arrangement" — annex III).

4. As in the case of the comprehensive Nuclear Weapons Convention, consideration would have to be given to how a Ban Treaty would operate in practice alongside — in support of — the Non-Proliferation Treaty, particularly if both arrangements enjoyed different levels of adherence. Article VI of the Non-Proliferation Treaty does not require that any new "effective measure" be situated within the text of the Treaty, but simply that measures be elaborated in support of the Treaty's object and purpose. It would therefore be possible for non-Non-Proliferation Treaty States to adhere to a Ban Treaty (either as a stand-alone instrument or as part of a wider framework arrangement) without first having to adhere to the Non-Proliferation Treaty. The effect would be to facilitate the implementation of Non-Proliferation Treaty norms and obligations on terms that permit non-Non-Proliferation Treaty State participation. Non-Proliferation Treaty universality could of course follow and as now would be encouraged. At the same time, it is possible that certain Non-Proliferation Treaty States may be disinclined to join a Ban Treaty, at least initially. States should explore what this might mean for the Non-Proliferation Treaty, for the Ban Treaty, and for the respective groups of States adhering to (or choosing not to adhere to) each.

5. A Ban Treaty, in whatever form it might take, would need to make some provision for the elaboration (either within the Ban itself or by other means) of the disarmament obligations and arrangements that would be a necessary and irreducible element of the accession of any nuclear-weapon-possessor State. These disarmament arrangements would need to include a basis for verification procedures, timelines, reporting arrangements, etc., similar to those in a comprehensive Convention. A short-form Ban Treaty that does not delineate detailed verification arrangements for disarmament could equally make provision for the subsequent elaboration of these details at a later date, by agreement between the acceding weapons State and the policymaking organs of the Ban Treaty organization.

6. As set out above, the prohibitions set out in a Nuclear Weapons Ban Treaty would complement the prohibitions set out in the Chemical Weapons Convention and the Biological and Toxin Weapons Convention and, thereby, complete the international treaty framework for the prohibition of all weapons of mass destruction.

7. Examination of the Ban Treaty should explore fully all practical issues that may arise in the implementation of the Ban Treaty's provisions in order to support article VI of the Non-Proliferation Treaty.

Annex III

Option 3: A framework arrangement

1. A framework arrangement would involve the elaboration of a series of mutually supporting instruments that, together, would address the various requirements of achieving and maintaining a world without nuclear weapons. At the centre of the framework would be the Non-Proliferation Treaty. It would be supported from without by a number of instruments that would presumably include: the Comprehensive Nuclear-Test-Ban Treaty, if and when it enters into force, and a Fissile Material Treaty, if one is negotiated and agreed.

2. Further requirements of a framework arrangement would seem to include an instrument setting out the detail of general obligations and prohibitions to be assumed (which could be achieved through either a comprehensive Nuclear Weapons Convention or a Nuclear Weapons Ban Treaty — both described in annexes I and II above); and an instrument establishing the necessary technical, legal and other arrangements for the implementation and oversight of related nuclear disarmament activities and nuclear non-proliferation safeguards within the arrangement. A comprehensive Convention, as described in paragraph 29 of the working paper, may provide many of these requirements of a framework. This would not preclude the addition of a Ban Treaty or any other instrument that States might suggest.

3. Examination of a framework arrangement should explore fully all practical issues that may arise in the implementation of the provisions of each instrument in order to support article VI of the Non-Proliferation Treaty.

Annex IV

Option 4: A hybrid arrangement

1. A hybrid arrangement would take individual elements of the three arrangements mentioned in annexes I to III above and combine them or add to them, in elaborating an instrument or set of instruments to set out the necessary "effective measures" to achieve and maintain a world without nuclear weapons.

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Humanitarian impact of nuclear weapons: known risks and consequences

Working paper submitted by Ireland on behalf of Brazil, Egypt, Mexico, New Zealand and South Africa as members of the New Agenda Coalition

Background

1. Today, Governments around the world are grappling with the evidence that was presented at two international conferences, one in Oslo (March 2013) and one in Nayarit, Mexico (February 2014), on the humanitarian consequences of a nuclear detonation. This evidence, taken together with the living and graphic testimony of several survivors (*hibakusha*) of the explosions at Hiroshima and Nagasaki, points up in considerable detail the catastrophic consequences for ordinary civilians that would follow a nuclear weapon explosion. Of great concern, too, for Governments and their citizens is the actual and foreseeable lack of capacity on the part of States or international organizations to cope with the aftermath of a nuclear detonation. Overriding the predictable consequences and lack of capacity, however, is the ever-present and arguably increasing risk of an accident, systems failure, human error or even a climate event affecting a nuclear weapon or a nuclear weapons facility. This inevitably leads to a pressing need for Governments to assess and measure those risks and to consider the policy implications that arise (see NPT/CONF.2015/PC.III/WP.18).

2. In 1946, within six months of the first use of nuclear weapons, when their immediate destructive effects had been witnessed but their longer-term consequences were only beginning to become clear, the General Assembly passed its first resolution, which called for the establishment of a commission to make specific proposals for "the elimination from national armaments of atomic weapons and of all other major weapons adaptable to mass destruction". That commission was also to make specific proposals "for control of atomic energy to the extent necessary to ensure its use only for peaceful purposes".

3. In 1961, spurred on by the nuclear tests undertaken in Algeria, the General Assembly passed a resolution on the report of the United Nations Scientific

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Committee on the Effects of Atomic Radiation,[1] in which the Assembly declared "that both concern for the future of mankind and the fundamental principles of international law impose a responsibility on all States concerning actions which might have harmful biological consequences for the existing and future generations of peoples of other States ...". Such concern spurred the creation of nuclear-weapon-free zones in several regions, starting with the Treaty of Tlatelolco (Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean), in which States of the region expressed the belief "[t]hat nuclear weapons, whose terrible effects are suffered, indiscriminately and inexorably, by military forces and civilian population alike, constitute, through the persistence of the radioactivity they release, an attack on the integrity of the human species and ultimately may even render the whole earth uninhabitable".[2] Subsequently, testing in the Pacific region and in Central Asia motivated the establishment of nuclear-weapon-free zones by the Treaty of Rarotonga (South Pacific Nuclear Free Zone Treaty); the Treaty of Bangkok (Treaty on the Southeast Asia Nuclear-Weapon-Free Zone); the Treaty of Pelindaba (African Nuclear-Weapon-Free Zone Treaty); and the Treaty on a Nuclear-Weapon-Free Zone in Central Asia. The devastating long-term consequences of nuclear testing have been coming further to the fore in recent times.

4. When the Treaty on the Non-Proliferation of Nuclear Weapons was agreed in 1968, it recorded in its first preambular paragraph that the Parties to the Treaty, "Considering the devastation that would be visited upon all mankind by a nuclear war ...", had recognized and understood "... the consequent need to make every effort to avert the danger of such a war and to take measures to safeguard the security of peoples". The provisions of the Treaty have formed the cornerstone of the nuclear disarmament and nuclear non-proliferation regime for more than four decades. The Treaty's envisaged processes of nuclear disarmament and nuclear non-proliferation, which are mutually reinforcing, flow from the central premise of the Treaty that, to achieve and maintain a world without nuclear weapons, the nuclear-weapon States legally committed themselves to pursue nuclear disarmament and the elimination of their nuclear arsenals, while at the same time the non-nuclear-weapon States legally committed themselves not to receive, manufacture or otherwise acquire nuclear weapons. All States were to pursue effective measures for the achievement of complete nuclear disarmament. At the same time, the Treaty reaffirmed the inalienable right to the peaceful uses of nuclear energy.

5. Eight years after the Treaty had entered into force, the General Assembly held its tenth special session, the first devoted to disarmament. The Assembly adopted, as a constituent element of the final document of this special session, a declaration that "[m]ankind today is confronted with an unprecedented threat of self-extinction arising from the massive and competitive accumulation of the most destructive weapons ever produced. Existing arsenals of nuclear weapons alone are more than sufficient to destroy all life on earth".[3]

6. The Treaty was concluded during the Cold War, when the dangers of nuclear war were heightened and more immediate. While some progress was made on bilateral arms reductions during the envisaged 25-year lifetime of the Treaty,

[1] Resolution 1629 (XVI).

[2] United Nations, *Treaty Series*, vol. 634, No. 9068.

[3] A/S-10/4, para. 11.

nuclear disarmament as envisaged and required by the Treaty had not been achieved by 1995, when States parties to the Treaty were required to meet to decide whether the Treaty should continue in force. Consequently, at the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, States parties to the Treaty agreed, without a vote, that the Treaty should continue in force indefinitely. At the Conference, States parties agreed on decisions entitled Strengthening the review process for the Treaty; Principles and objectives for nuclear non-proliferation and disarmament; and Extension of the Treaty on the Non-Proliferation of Nuclear Weapons, as well as on a resolution on the Middle East.[4] The decision on principles and objectives for nuclear non-proliferation and disarmament, agreed at the 1995 Conference, included a reaffirmation of the preamble and provisions of the Treaty. It is beyond doubt, therefore, that concern about the devastation of a nuclear war, which informed the framers of the Treaty, remained as central a motivation for the nuclear disarmament and nuclear non-proliferation regime in 1995 as it had been at its entry into force a quarter of a century earlier.

7. In a July 1996 Advisory Opinion, the International Court of Justice, in deciding the basis on which it should examine the request put to it on the legality of the use or threat of use of nuclear weapons, looked at the unique characteristics of nuclear weapons, according to the material presented to it. The Court observed that the "destructive power of nuclear weapons cannot be contained in either space or time. They have the potential to destroy all civilization and the entire ecosystem of the planet ... . [I]n order correctly to apply to the present case the Charter law on the use of force and the law applicable in armed conflict, in particular humanitarian law, it is imperative for the Court to take account of the unique characteristics of nuclear weapons, and in particular their destructive capacity, their capacity to cause untold human suffering, and their ability to cause damage to generations to come."[5]

8. In 1998, when the New Agenda Coalition was launched, the foreign ministers of the Coalition were motivated by "the continuing threat to humanity represented by the perspective of the indefinite possession of nuclear weapons by the nuclear-weapon States, as well as by those three nuclear-weapons-capable States that have not acceded to the Treaty on the Non-Proliferation of Nuclear Weapons, and the attendant possibility of use or threat of use of nuclear weapons".[6] Since its foundation, the Coalition has worked relentlessly to champion nuclear disarmament and has consistently maintained that the only absolute guarantee that nuclear weapons will never be used again is their total elimination and the assurance that they will never be produced again.

9. At the 2000 Non-Proliferation Treaty Review Conference, States parties to the Treaty noted that "despite the achievements in bilateral and unilateral arms reduction, the total number of nuclear weapons deployed and in stockpile still amounts to many thousands".[7] The Conference also expressed "its deep concern at the continued risk for humanity represented by the possibility that these nuclear weapons

[4] NPT/CONF.1995/32 (Part I).

[5] A/51/218, annex; see also *Legality of the Threat or Use of Nuclear Weapons, Advisory Opinion, I.C.J. Reports 1996*, p. 226.

[6] A/53/138.

[7] NPT/CONF.2000/28 (Parts I and II).

could be used".[8] To facilitate progress on nuclear disarmament, that Conference agreed on a series of practical steps for the systematic and progressive efforts to implement article VI of the Treaty (the 13 practical steps) and paragraphs 3 and 4 (c) of the 1995 Decision on "Principles and Objectives for Nuclear Non-Proliferation and Disarmament".[9] Included among those steps was an unequivocal undertaking by the nuclear-weapon States to accomplish the total elimination of their nuclear arsenals, leading to nuclear disarmament to which all States parties are committed under article VI.

10. When Heads of State and Government gathered later in 2000 at the Millennium Summit, they adopted the Millennium Declaration in which they resolved "[t]o strive for the elimination of weapons of mass destruction, particularly nuclear weapons, and to keep all options open for achieving this aim, including the possibility of convening an international conference to identify ways of eliminating nuclear dangers".[10]

11. While the first decade of the millennium saw welcome progress in terms of reductions in the numbers of nuclear weapons, both in unilateral and bilateral measures, the momentum towards concrete and irreversible nuclear disarmament lost pace. The 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons noted the "reaffirmation by the nuclear-weapon States of their unequivocal undertaking to accomplish, in accordance with the principle of irreversibility, the total elimination of their nuclear arsenals leading to nuclear disarmament, to which all States parties are committed under article VI of the Treaty".[11] The Conference also expressed "its deep concern at the catastrophic humanitarian consequences of any use of nuclear weapons and reaffirms the need for all States at all times to comply with applicable international law, including international humanitarian law".[12]

Addressing the increasing risk: the 2015 Treaty review cycle

12. Since the 2010 Review Conference, awareness has been growing not just about the humanitarian consequences of a nuclear detonation but also about the increasing risks to the lives and health of citizens resulting from accidents, human error or systems failures involving nuclear weapons. Based on information acquired through Freedom of Information legislation, on data volunteered by State administrations and on cases of human or mechanical failures (when logged and reported), the international community has been presented in recent times with cogent evidence that the risks of an accident in the widest sense are ever-present, continuing, greater than previously suspected and arguably increasing. At the same time, increasing urban populations and the greater destructive power of nuclear weapons have served to amplify the potential health and environmental effects of a nuclear detonation. Governments and policymakers are now having to reconcile these facts with their duty of care towards their citizens' welfare in the light of these increasing risks. The reminders of the risks are especially worrying because of the evidence provided at

[8] Ibid.
[9] Ibid.
[10] A/RES/55/2.
[11] NPT/CONF.2010/50 (Vol. I), para. 79.
[12] Ibid., para. 80.

the Oslo and Nayarit conferences about the lack of capacity of both national and international agencies to provide any adequate emergency response in the event of a nuclear-weapon explosion. A discussion by Governments on a concerted policy response aimed at preventing any possibility of a nuclear detonation is therefore unavoidable (see NPT/CONF.2015/PC.III/WP.18).

13. The following are some recent key staging posts that have brought international deliberations to this point:

- In 2011, the Council of Delegates of the International Red Cross and Red Crescent Movement welcomed increased diplomatic efforts on nuclear disarmament, including at the 2010 Review Conference, and emphasized "the incalculable human suffering that can be expected to result from any use of nuclear weapons, the lack of any adequate humanitarian response capacity and the absolute imperative to prevent such use".[13]
- At the 2012 session of the Preparatory Committee for the 2015 Review Conference, the Chairman's summary reflects that "States parties recalled their deep concern at the catastrophic humanitarian consequences of any use of nuclear weapons. Many States parties stressed their serious concern that in such an event, these humanitarian consequences would be unavoidable and emergency relief could not be provided to affected areas. They expressed their expectation that the humanitarian consequences of any use of nuclear weapons would be addressed during the current review cycle."[14]
- On 4 January 2013, the General Assembly passed, by an overwhelming majority, a resolution on "Taking forward multilateral nuclear disarmament negotiations". In the preamble to that resolution, the Assembly expressed its deep concern "about the catastrophic humanitarian consequences of any use of nuclear weapons".[15]
- The Government of Norway hosted the Conference on the Humanitarian Impact of Nuclear Weapons, a fact-based exploration of the more immediate impact of a nuclear-weapon detonation, on 4 and 5 March 2013 in Oslo. The Chair's summary of the Conference found that it is "unlikely that any State or international body could address the immediate humanitarian emergency caused by a nuclear-weapon detonation in an adequate manner and provide sufficient assistance to those affected. Moreover, it might not be possible to establish such capacities, even if it were attempted".
- At the 2013 session of the Preparatory Committee for the 2015 Review Conference, "States parties recalled their deep concern at the catastrophic humanitarian consequences of any use of nuclear weapons. Many States parties referred to the unacceptable harm that would result from a detonation and expressed further concern about the wider and longer-term impact on socioeconomic development and their expectation that the humanitarian consequences would continue to be addressed during the current review cycle. Many States parties referred to the Conference on the Humanitarian Impact of Nuclear Weapons held in Oslo from 4 to 5 March 2013. Following from the

[13] Council of Delegates of the International Red Cross and Red Crescent Movement, Geneva, Switzerland, Resolution 1: Working towards the elimination of nuclear weapons, 26 November 2011.

[14] NPT/CONF.2015/PC.I/WP.53, para. 9.

[15] A/RES/67/56.

discussions at the Oslo Conference, those States parties stressed their serious concern that in such an event, these humanitarian consequences would be unavoidable and emergency relief could not be provided to affected areas. The same States parties looked forward to the follow-on conference to be hosted by Mexico in order to deepen understanding on this matter through a fact-based dialogue."[16]

- On 26 September 2013, the General Assembly held its first High-Level Meeting on nuclear disarmament. Secretary-General Ban Ki-moon recalled that, since its first resolution in 1946, nuclear disarmament has been one of the principal objectives of the United Nations.

- In a statement to the First Committee on 21 October 2013, which built upon similar efforts in both the General Assembly and the Non-Proliferation Treaty from 2012 onwards, coordinated by Switzerland and, later, South Africa and delivered by New Zealand on behalf of 125 States, those States recalled that "[i]t is in the interest of the very survival of humanity that nuclear weapons are never used again, under any circumstances. The catastrophic effects of a nuclear-weapon detonation, whether by accident, miscalculation or design, cannot be adequately addressed. All efforts must be exerted to eliminate the threat of these weapons of mass destruction." In the view of those States, "[t]he only way to guarantee that nuclear weapons will never be used again is through their total elimination. All States share the responsibility to prevent the use of nuclear weapons, to prevent their vertical and horizontal proliferation and to achieve nuclear disarmament, including through fulfilling the objectives of the Non-Proliferation Treaty and achieving its universality."

- In November 2013, the Council of Delegates of the International Red Cross and Red Crescent Movement reiterated "its deep concern about the catastrophic humanitarian consequences of any use of nuclear weapons, including the unspeakable human suffering that their use would cause and the threat that such weapons pose to food production, the environment and future generations".

14. Most recently, at the Second Conference on the Humanitarian Impact of Nuclear Weapons in Nayarit, Mexico, on 13 and 14 February 2014, the Chair's summary concluded that reconstruction of infrastructure and regeneration of economic activities, trade, communications, health facilities and schools would take several decades, causing profound social and political harm. That summary also concluded that radiation exposure could result in short- and long-term negative effects in every organ of the human body and would increase cancer risks and future hereditary pathologies. With a more thorough understanding of the sheer scale of impact of even a single detonation in a densely populated area and the inability of the international community to respond adequately in the short term, the consequences of a detonation are far greater than are apparent. Research carried out recently, particularly since the Oslo Conference, and presented in Nayarit, about national and international response capacity to a detonation has shown that national response capacities in the immediate and longer term would be severely overstretched and responses by international agencies in the short term would be ineffective to the point of being wholly inadequate.

[16] NPT/CONF.2015/PC.II/WP.49, para. 9.

15. Given the scale of the consequences, determining the level of risk to which humanity remains exposed requires an examination of the probability of a detonation. At the Conference in Nayarit, research was presented which indicated that the risks of a nuclear detonation are far higher than might commonly be perceived. Information publicly available has clearly illustrated that the world has come far closer to a nuclear detonation during the nuclear age (whether by accident, miscalculation or design) than was previously known or believed. Evidence presented at the Second Conference on the Humanitarian Impact of Nuclear Weapons showed that the risk of a nuclear-weapon detonation is growing globally owing to factors that include the vulnerability of nuclear command and control networks to cyber attacks and human error and potential access to nuclear weapons by non-State actors, in particular terrorist groups.

16. The Third Conference on the Humanitarian Impact of Nuclear Weapons, to be hosted by the Government of Austria before the end of 2014, represents an important opportunity for all States to continue and deepen the fact-based discourse of Oslo and Nayarit, and to begin considering the policy implications of the information provided.

Policy implications for States

17. The humanitarian consequences of a nuclear-weapon detonation, should one ever occur, will be calamitous, transboundary and long term. They will affect weapons and non-weapons States alike. With a heightened knowledge and understanding of these consequences, it is incumbent upon all States to move to pursue an effective and binding framework for the prevention of this eventuality. The only way to prevent a nuclear-weapon detonation is through the total elimination of nuclear weapons and the assurance that they will never be produced again. The Chair's summary of the Second International Conference on the Humanitarian Impact of Nuclear Weapons concluded, "the broad-based and comprehensive discussions on the humanitarian impact of nuclear weapons should lead to the commitment of States and civil society to reach new international standards and norms, through a legally binding instrument". In its working paper entitled "Article VI of the Treaty on the Non-Proliferation of Nuclear Weapons" (NPT/CONF.2015/PC.III/WP.18), the New Agenda Coalition calls for all States immediately to begin discussions towards elaborating a binding framework. Such a framework would require clearly defined benchmarks and timelines for transparent, irreversible and verifiable nuclear disarmament for the achievement and maintenance of a world without nuclear weapons.

18. The evidence of the increasing risks and devastating consequences of a nuclear-weapon detonation, whether by accident, miscalculation or design, which has been brought into stark relief since the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, serves to underscore further the humanitarian considerations that were central to the creation of the Treaty. These considerations should now be equally central to all present and future actions aimed at securing a world free of nuclear weapons. The humanitarian imperatives that underpin nuclear disarmament and the urgency of achieving this goal should therefore be given due prominence in the decisions and follow-on actions agreed during the 2015 review cycle of the Non-Proliferation Treaty and in the outcome of the 2015 Review Conference.

NPT/CONF.2015/PC.III/WP.20

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The inalienable right to develop research, production and uses of nuclear energy for peaceful purposes

Working paper submitted by the Islamic Republic of Iran

1. In order to establish a balance between security concerns and the socioeconomic requirements for development, especially for developing countries, article IV of the Treaty on the Non-Proliferation of Nuclear Weapons guarantees "the inalienable right of all the Parties to the Treaty to develop research, production and use of nuclear energy for peaceful purposes without discrimination and in conformity with Articles I and II of this Treaty" and provides for an undertaking by all the parties to the Treaty "to facilitate, and have the right to participate in, the fullest possible exchange of equipment, materials and scientific and technological information for the peaceful uses of nuclear energy". Article IV also plays a crucial role as the main incentive set forth to encourage the non-nuclear-weapon States to join the Treaty and thereby foster the non-proliferation regime.

2. This main pillar of the Treaty has been underscored in the light of the increasing need of the world for nuclear energy in the third millennium. We have recently witnessed this promising trend in our region. The Islamic Republic of Iran welcomes the initiatives of its brotherly neighbours to move towards the peaceful application of nuclear energy. This trend confirms once again the long-standing position of the Islamic Republic of Iran concerning the need to diversify energy resources in order to guarantee its future requirements.

3. The inalienable right of all States parties to nuclear technology for peaceful purposes without discrimination indeed constitutes the very foundation of the Treaty. This inalienable right in itself emanates from two broader propositions. First, scientific and technological achievements are the common heritage of humanity, and second, the requisite balance between rights and obligations is the basis of any sound legal instrument. This balance guarantees the longevity of the legal regime by providing incentives for membership and compliance.

4. Article III, while providing for the undertaking by each non-nuclear-weapon State party to the Treaty to conclude safeguards agreements with the International Atomic Energy Agency (IAEA), is equally explicit in articulating that the implementation of such safeguards shall be "in a manner designed to comply with

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Article IV of this Treaty, and to avoid hampering the economic or technological development of the Parties or international cooperation in the field of peaceful nuclear activities, including the international exchange of nuclear material and equipment for the processing, use or production of nuclear material for peaceful purposes in accordance with the provisions of this Article and the principle of safeguarding set forth in the Preamble of the Treaty."

5. This notion was duly noted in the Review Conferences of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, particularly in the Final Document of the 2000 Review Conference when considering that "the strengthening of IAEA safeguards should not adversely affect the resources available for technical assistance and cooperation. The allocation of resources should take into account all of the Agency's statutory functions, including that of encouraging and assisting the development and practical application of atomic energy for peaceful uses with adequate technology transfer."

6. Given the importance of the peaceful applications of nuclear energy and nuclear technologies for human health, medical, industrial, agriculture, environmental protection and sustainable development, especially in developing countries, the statute of IAEA recognizes its role in encouraging and assisting "research on, and development and practical application of, atomic energy for peaceful uses throughout the world" and fostering "the exchange of scientific and technical information on peaceful uses of atomic energy".

7. The attempts, including through the involvement of the Security Council, to turn confidence-building measures into mandatory ones, are a matter of grave concern. Such actions, which are in full contravention of article IV of the Treaty, violate the inalienable right of States parties to use nuclear energy for peaceful purposes. In fact, by adopting such actions, the balance of rights and obligations of States parties would be disturbed, the existing discrimination and gap between the haves and have-nots in the Treaty would be widened and, finally, the very basis of the fundamental bargain of the Treaty would be destroyed.

8. Furthermore, the fundamental role of IAEA in the promotion of nuclear energy for peaceful purposes has been increasingly undermined by shortcomings in resources and restrictions imposed by some States on the Agency. Since the establishment of IAEA, developing countries have continually expressed serious concerns about the policy for funding technical cooperation, based on voluntary contributions that are unpredictable, unsecured and subject to the political motivations of the donors. Safeguards activities are, however, funded from the regular budget. Such a discriminatory policy with respect to two pillars of the statute of the Agency and the Treaty has to be abandoned. In accordance with actions 53 and 54 of the conclusions and recommendations for follow-on actions contained in the Final Document of the 2010 Review Conference, States parties are called upon to strengthen the IAEA technical cooperation programme by assisting developing States parties in taking practical steps to ensure that IAEA resources in this area are sufficient, assured and predictable.

9. Moreover, measures taken by States parties to prevent nuclear proliferation should facilitate rather than hamper the exercise of the recognized rights of developing States parties to the Treaty to peaceful applications of nuclear energy. Imposition of restrictions as a cover for the implementation of the foreign policy

objectives of certain States is a clear violation of article IV obligations, and challenges both the integrity and credibility of the Treaty.

10. Consistent with action 51 of the conclusions and recommendations for follow-on actions of the Final Document of the 2010 Review Conference, undue restrictions on the transfer of nuclear materials, equipment and technologies for the peaceful uses of nuclear energy should be swiftly removed. Bilateral and multilateral cooperation among States parties to the Treaty under the supervision of IAEA on the peaceful uses of nuclear energy should never be restricted or confined, either by other States or by ad hoc export control regimes, such as the Nuclear Suppliers Group, the exclusive and non-transparent group that claims to have been established to strengthen the non-proliferation regime. The application of unilaterally enforced export control regimes, in contravention of the letter and the spirit of the Treaty, has hampered the access of developing countries to nuclear materials, equipment and technologies for peaceful purposes. It is essential to note the fact that, in the statute of the Agency and the Treaty, as well as in the comprehensive safeguards agreement and even the most intrusive, but voluntary, instrument, that is, the additional protocol to the comprehensive safeguards agreement, there is no provision to prohibit or restrict enrichment and reprocessing activities. The function of the Agency is merely to verify the declarations of member States.

11. In this context, the decision of the Nuclear Suppliers Group on nuclear cooperation with a non-party has severely damaged the Treaty. The decision of the Group is a clear violation of article III (2), which stipulates that each State party to the Treaty should undertake not to provide equipment or material for peaceful purposes "unless the source or special fissionable material shall be subject to the safeguards required by" the Treaty.

12. The aforementioned decision, which has been taken under pressure by the United States of America, is also a violation of the commitment of the nuclear-weapon States under the 1995 decision on principles and objectives for nuclear non-proliferation and disarmament and the Final Document of the 2000 Review Conference to promote the universality of the Treaty. Such a decision is another manifestation of double standards and discrimination in implementing the provisions of the Treaty. The Review Conference and its preparatory committees need to address this very important issue.

13. Measures need to be taken to ensure that the inalienable rights of all States parties under the provisions of the preamble and articles of the Treaty are all fully protected. No State party should be limited in exercising its rights under the Treaty based on allegations of non-compliance. The inalienable rights of the States parties, as stipulated in the Treaty, cover all aspects of peaceful technologies and are not limited to specific areas. In this connection, the outcome documents of the 2000 and 2010 Review Conferences have reiterated that each country's choices and decisions in the field of the peaceful uses of nuclear energy should be respected without jeopardizing its policies or international cooperation agreements and arrangements for the peaceful uses of nuclear energy and its fuel-cycle policies. Unfortunately, for the first time in the history of IAEA, the promotional statutory pillar of the statute has been put in serious jeopardy through politically motivated decisions of the Security Council, which is trying to dictate to the Agency whether, how and when to deprive a developing member State of technical cooperation that is solely intended for humanitarian and peaceful uses. The authority of IAEA as the sole competent

technical international organization in respect of this issue has been seriously undermined. We strongly believe that there should be a balance between the promotional and safeguards activities of IAEA, and IAEA should not be turned into a one-dimensional agency.

14. It should be once again reiterated that arbitrary and self-serving criteria and thresholds regarding proliferation-proof and proliferation-prone technologies can and will only undermine the Treaty. The Islamic Republic of Iran, for its part, is determined to pursue all areas of nuclear technology, including fuel cycle and enrichment technology, exclusively for peaceful purposes. However, no one should be under the illusion that guarantees can theoretically or practically amount to cessation, or even suspension, of a legal activity that has been and will continue to be carried out under the fullest and most intrusive IAEA supervision.

15. The Islamic Republic of Iran is of the view that, in order to strengthen the effectiveness and credibility of the Treaty and to put an end to the selective and discriminatory implementation of the articles of the Treaty, the 2015 Review Conference should intensify its work in order to prevent further non-compliance of developed States parties with undertakings under article IV. To ensure the adoption of tangible measures to promote the implementation of the inalienable rights of all States parties, particularly developing countries, to enjoy their established rights under the Treaty and to have full access to nuclear materials, technologies, equipment and scientific and technological information for peaceful purposes and, in doing so, preserve the delicate balance between the rights and obligations arising from the Treaty, any new division among the States parties and interpretations incompatible with the letter of the Treaty should be strictly avoided.

16. According to article IV of the Treaty, nothing in the Treaty shall be interpreted as affecting the inalienable right of all the parties to the Treaty to develop research, production and use of nuclear energy for peaceful purposes without discrimination and in conformity with articles I and II of the Treaty.

17. It also stipulates that all the parties to the Treaty undertake to facilitate, and have the right to participate in, the fullest possible exchange of equipment, materials and scientific and technological information for the peaceful uses of nuclear energy. Parties to the Treaty in a position to do so shall also cooperate in contributing alone, or together with other States or international organizations, to the further development of applications of nuclear energy for peaceful purposes, especially in the territories of non-nuclear-weapon States parties to the Treaty, with due consideration for the needs of the developing areas of the world.

18. The safeguards required by article III shall also be implemented in a manner designed to comply with article IV of the Treaty and to avoid hampering the economic or technological development of the parties or international cooperation in the field of peaceful nuclear activities, including the international exchange of nuclear material and equipment for the processing, use or production of nuclear material for peaceful purposes, in accordance with the provisions of article III and the principle of safeguarding set forth in the preamble of the Treaty.

19. The recent proposals and decisions on limitations or restrictions on the inalienable right of States parties to develop a national fuel cycle are a matter of serious concern. In this regard, the 2015 Review Conference should reaffirm this right and decide that any explicit or implicit decision or act that is intended to

hamper the nuclear policies of States parties to develop a national fuel cycle shall be avoided.

20. On the other hand, certain countries have used the Board of Governors of IAEA and the Security Council as tools for advancing their political intentions and to interrupt the peaceful activities of a State party.

21. To this end, they may commit numerous breaches of their obligations, which can in turn result in the infliction of damages on a State party. Some of the breaches and consequential damages are as follows:

(a) Imposing unnecessary costs on the Agency;

(b) Violation of article IV of the Treaty by hampering the peaceful nuclear activities of a State party;

(c) Interrupting peaceful nuclear activities of a State party through extensive inspections and releasing confidential information (the continued presence of the inspectors in nuclear facilities can hinder the scientists and the personnel of the facilities from doing their jobs in a tranquil environment, while the safeguards shall be implemented in a manner to avoid undue interference in a State party's peaceful nuclear activities and in particular in the operation of facilities);

(d) Imposing measures beyond the boundaries of existing legal commitments of a State party, including suspension of peaceful nuclear activities, which can cause many human, financial and political damages;

(e) Breach of article XI of the statute of IAEA on facilitating technical cooperation projects;

(f) Involving the Security Council unlawfully;

(g) Interrupting the technical cooperation of the Agency with a State party, while the raison d'être of the Agency is to help the member States in this field;

(h) Damage to the prestige of the Agency;

(i) Intellectual damages, particularly damage to the reputation of a State party.

22. Given the above-mentioned points, the question arises as to who should compensate for these damages and how the compensation should be made.

23. Owing to the importance of the issue, and since no mechanism is designed under the Treaty in this regard, the Islamic Republic of Iran proposes the establishment of a mechanism by the 2015 Review Conference to examine cases of non-compliance with article IV and the consequential damages inflicted on States parties through the violation of this article by any State party.

24. In such a mechanism, the implementation of the provisions of article IV and compliance with the obligations of the nuclear technology owners, including the facilitation of international cooperation, should be duly verified, and those countries that are responsible for the violation of article IV should compensate for the damages inflicted on States parties resulting from their actions.

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Preparatory Committee for the 2015 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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Non-compliance with articles I, III, IV and VI of the Treaty on the Non-Proliferation of Nuclear Weapons

Working paper submitted by the Islamic Republic of Iran

1. Among the major challenges facing the Treaty on the Non-Proliferation of Nuclear Weapons are the cases of non-compliance by certain nuclear-weapon States with their Treaty obligations, for which there is no verification and enforcement mechanism. While there is an established mechanism to verify the obligations under articles II and III of the Treaty for the non-nuclear-weapon States, no similar mechanism has been designed to address non-compliance by the nuclear-weapon States with their obligations under articles I, III (2), IV and VI of the Treaty. One of the main tasks of the 2015 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons is to identify such cases and to find ways and means to address them fully. In this regard, the Islamic Republic of Iran would like to elaborate its views on this issue below.

2. As agreed at the 1995 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, the Preparatory Committee meetings have the mandate to consider principles, objectives and ways in order to promote the full implementation of the Treaty and to make recommendations thereon to the Review Conference. Doing so requires a thorough review of the implementation of Treaty provisions related to nuclear disarmament, non-proliferation and the promotion of cooperation on the peaceful uses of nuclear energy, namely articles I, II, III, IV and VI, and of the objectives set out in the preamble to the Treaty.

3. In order to deal with the question of nuclear disarmament, a review is needed of the unfulfilled commitments, considering actual disarmament measures and new initiatives aimed at the total elimination of nuclear weapons. In this respect, the nuclear-weapon States have the main responsibility and Treaty obligation to, in particular, implement the relevant provisions of the Treaty aimed at creating a world completely free from the existence and horror of nuclear weapons.

4. Some significant developments during the past decade have served as a serious setback for the objectives of the Treaty with respect to nuclear disarmament. Given the lofty goal of the Treaty to create a world free from the existence of nuclear weapons, and considering the letter and spirit of the Treaty, it is unfortunate that

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there has been a claim by some that the nuclear-weapon States do not have any legal or even political obligation for nuclear disarmament under the Treaty. In response to such claims, it should be indicated that the International Court of Justice has consensually provided an interpretation of article VI of the Treaty, holding that it requires the nuclear-weapon States "to pursue in good faith, and bring to a conclusion, negotiations leading to nuclear disarmament in all its aspects under strict and effective international control". Moreover, the "unequivocal undertaking" by the nuclear-weapon States to eliminate their nuclear arsenals, as reflected in the consensual Final Document of the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, has already clarified the meaning of article VI of the Treaty.

5. Despite the high expectations of the international community for real change in the United States Nuclear Posture Review, in a manner that removes existing concerns on the role of nuclear weapons, the current nuclear doctrine of the United States of America has not lived up to the expectations of the international community. A review of the United States nuclear policy reveals the continuation of a disturbing trend. The continued emphasis of the new Nuclear Posture Review on maintaining nuclear weapons, relying on the obsolete deterrence policy, allocating billions of dollars to the modernization of the United States arsenals, limiting the reduction of nuclear weapons to decommissioning them and, by doing so, evading the obligation to eliminate them, and coming up with new excuses for keeping nuclear weapons in the new Nuclear Posture Review are clear indications of the continued non-compliance of the United States with its obligations under article VI of the Treaty.

6. There is no doubt that the decision to modernize nuclear weapons and spend billions of dollars to construct new nuclear facilities runs counter to the obligation of the nuclear-weapon States to systematically reduce their nuclear weapons and represents obvious non-compliance with article VI of the Treaty. Despite the major concerns expressed by the international community, in particular the Non-Aligned Movement, the United States has not responded to the concerns expressed over the modernization of its nuclear arsenals and has continued the construction of new installations under the pretext of securing more reliable nuclear weapons.

7. Moreover, the nuclear-weapon States should engage immediately and in good faith in substantive work for the speedy and meaningful implementation of their obligations under the Treaty, in particular article VI, and their commitments made at the 1995, 2000 and 2010 Review Conferences. In accordance with the commitment reflected in the Final Document of the 2000 Review Conference and action 2 of the action plan of the 2010 Review Conference, any reduction of nuclear weapons, whether strategic or non-strategic, should be done in a transparent, verifiable and irreversible manner. It is a matter of concern that the reductions under the Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms (New START Treaty) are not internationally verifiable and thus have not removed the concerns of the States parties to the Treaty on the Non-Proliferation of Nuclear Weapons.

8. The United States' nuclear cooperation with the Zionist regime of Israel, as evidenced by the agreement reached during the visit of the Secretary of Energy of the United States to the occupied territories in February 2000, is in fact a violation of article I obligations by the United States, and a source of concern for all States

parties to the Treaty, especially in the Middle East, because it assists the Zionist regime in its secret nuclear weapons programme. This agreement, which was claimed to be for peaceful purposes, is also a clear violation of article III (2), which stipulates that the cooperation of each State party to the Treaty in providing equipment or material for peaceful purposes is not possible unless the source or special fissionable material shall be subject to the safeguards required by the Treaty. Moreover, the disclosed "top secret document dated 23 August 1974" clearly shows the role of the United States in equipping the Zionist regime with nuclear weapons. The Zionist regime's unsafeguarded nuclear weapons facilities and nuclear arsenal pose a real threat to all countries of the region and to international peace and security.

9. Furthermore, on the issue of nuclear sharing, the nuclear-weapon States are committed to complying with their commitment to the full implementation of article I. They should refrain from nuclear sharing, under any kind of security arrangements, among themselves, with non-nuclear-weapon States parties and those not parties to the Treaty.

10. The transfer of nuclear-related equipment, information, material, facilities, resources or devices, and the extension of assistance in the nuclear, scientific or technological fields to the nuclear weapons capability of States not parties to the Treaty without exception and in particular to the Zionist regime, whose unsafeguarded nuclear facilities endanger security and stability in the Middle East, are in violation of the Treaty obligations and therefore must be stopped immediately and legally banned. In this regard, the Preparatory Committee should recommend to the 2015 Review Conference to make a clear decision to call strongly for putting an end to any kind of nuclear-weapon sharing and to cut any cooperation between the States parties and any State not party to the Treaty that is in violation of their Treaty obligations. The Chemical Weapons Convention could set an example in this regard.

11. In the context of article III, the decision of the Nuclear Suppliers Group, an exclusive and non-transparent group that claims to have been established to strengthen the non-proliferation regime, on nuclear cooperation with a State not party to the Treaty has severely damaged the Treaty. The decision of this Group is a clear violation of article III (2), which stipulates that the cooperation of each State party to the Treaty in providing equipment or material for peaceful purposes is not possible unless the source or special fissionable material shall be subject to the safeguards required by the Treaty.

12. The said decision, which was taken under pressure from the United States, is also a violation of the commitment of the nuclear-weapon States under the 1995 decision on the principles and objectives for nuclear non-proliferation and disarmament and the Final Document adopted at the 2000 Review Conference to promote the universality of the Treaty. The decision of the Nuclear Supplier Group is in contravention of the obligation of its members regarding the promotion of the universality of the Treaty and has seriously jeopardized its credibility and integrity. Such a decision is another manifestation of double standards and discrimination in implementing the provisions of the Treaty.

13. By transferring hundreds of nuclear weapons to certain non-nuclear-weapon States under the umbrella of the North Atlantic Treaty Organization (NATO), the United States, for a long time, has been in noncompliance with its obligations under the Treaty, which provides in its article I "not to transfer to any recipient whatsoever

nuclear weapons". The deployed nuclear weapons of the United States in other countries are extremely integrated into the military infrastructure of the hosting countries. This case of non-compliance should not be overlooked during the discussion at the upcoming Review Conference and its Preparatory Committee meetings.

14. Joint research on nuclear warheads between two nuclear-weapon States is a matter of grave concern for non-nuclear-weapon States parties and represents serious non-compliance with article I of the Treaty. According to data published on 9 February 2009, the United States military has been using the atomic weapons facility of the United Kingdom of Great Britain and Northern Ireland to carry out research for its own warhead programme. In this regard, defence officials of the United States have declared that "very valuable" warhead research has taken place at the Atomic Weapons Establishment at Aldermaston in Berkshire as part of an ongoing and secretive deal between the British and American Governments.

15. The efforts to modernize nuclear weapons by clinging to outdated cold war arrangements and justifications raise serious questions for public opinion. Deploying hundreds of nuclear weapons in non-nuclear-weapon States and training the fighter bomber pilots of the hosting countries to prepare for handling and delivering the nuclear bombs of the United States against the nuclear and the non-nuclear weapon States contravene both the letter and the spirit of the Treaty and constitute clear non-compliance with the Treaty by both the United States and the European Union member States. It is noteworthy that the existing Nuclear Posture Review of the United States has clearly confessed the occurrence of such clear noncompliance with the Treaty and declared that the deployed nuclear weapons would remain in the European Union territories. The Preparatory Committee meetings and the 2015 Review Conference cannot and should not be indifferent to this obvious case of non-compliance. Furthermore, the danger of nuclear incidents by terrorist activities requires a viable solution to deal with such transferred weapons. This has compelled many, including parliaments in these countries, to request compliance with the Treaty obligations and the withdrawal of nuclear forces from their territories.

16. The United States and some other nuclear-weapon States are still dangerously persisting in the application of the outdated doctrine of "nuclear deterrence". Since the first atomic bombs dropped on Hiroshima and Nagasaki in August 1945, killing more than 200,000 civilians, the United States has designed and built thermonuclear bombs a thousand times more destructive than fission bombs. The continued existence of thousands of such bombs in the stockpiles of the United States and other nuclear-weapon States has kept the fate of civilization and of humanity itself under horror and panic. By insisting on keeping nuclear bombs or merely decommissioning part of them, the nuclear-weapon States themselves are the source of proliferation. As long as one nuclear-weapon State or a nuclear power outside the Treaty insists on maintaining the nuclear option, the other nuclear-weapon States will do the same, and this vicious circle will never end. Thus, the non-nuclear weapon States parties to the Treaty that have already forgone the nuclear option are rightly asking why these terrible weapons continue to exist and under what circumstances and for what purposes could the use or threat of use of the world's most destructive weapons ever be justified.

17. The President of France has been quoted as saying that French nuclear forces are a key element in Europe's security. In defiance of its international obligations to diminish the role of nuclear weapons in security policies, France is seeking to find and define new roles and missions for its nuclear forces in order to justify the continued retention of those forces in the post-cold war era. In so doing, it has even resorted to irresponsible methods such as the manipulation of intelligence and fear to promote programmes that its people would otherwise not support.

18. Furthermore, French officials recently announced that they will develop new nuclear plans to modernize nuclear arsenals and the army, and will spend €377 billion on this plan until 2020. This policy is in clear disregard of France's obligations to respect the practical steps agreed to at the 2000 Review Conference and the object and purpose of the Comprehensive Nuclear-Test-Ban Treaty. This development is a matter of grave concern and should be seriously addressed at the Preparatory Committee meetings and the next Review Conference.

19. The decision of the United Kingdom to renew and further develop its nuclear weapons capability by approving the Trident programme is in full contravention of article VI of the Treaty and in defiance of the unanimous decision of the 2000 Review Conference. The Trident programme can generate, and in fact expand, the nuclear arms race beyond the traditional rivalry between the two major nuclear-weapon States, and is thus a special source of concern for the international community and a clear setback in the global efforts to bolster nuclear disarmament and non-proliferation. Despite all calls by the international community and public opinion to stop this project, officials of the United Kingdom announced that billions of pounds would be allocated to a programme to replace Britain's Trident nuclear submarines.

20. Non-compliance with the Treaty obligations is not limited to the violations of articles I, III and VI by the United States and its allies; these States have also constantly violated the provisions of article IV of the Treaty, which provides for international cooperation and the transfer of peaceful nuclear technologies to the States parties to the Treaty. Contrary to such obligations, the United States has been at the forefront of the imposition of unilateral restrictions against the States parties to the Treaty, in particular the developing countries. Such non-compliance with article IV merits thorough consideration at the Preparatory Committee meetings.

21. All non-nuclear-weapon States parties to the Treaty consider the pursuit and the development of nuclear technology for peaceful purposes as their inalienable right and thus can invest human and material resources in this field. Restrictions imposed by nuclear suppliers that have targeted peaceful nuclear programmes can affect the entire industry and all possible sources of supply of material and equipment to the States parties to the Treaty, thus seriously affecting their development plans, in particular in developing countries. Clear violations of article IV obligations by certain States, by depriving States parties of the exercise of their inalienable rights and imposing illegal and unilateral sanctions, are a matter of great concern to developing countries. This issue should be followed seriously at the Preparatory Committee meetings and at the 2015 Review Conference.

NPT/CONF.2015/PC.III/WP.22

Preparatory Committee for the 2015 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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Non-proliferation in all its aspects

Working paper submitted by the Islamic Republic of Iran

1. The non-compliance by certain nuclear-weapon States with their obligations under articles I and VI of the Treaty on the Non-Proliferation of Nuclear Weapons has posed serious challenges to the Treaty. Certain nuclear-weapon States, in contravention of their commitments under article VI, have continued to resort to nuclear deterrence as their defence and security doctrine and accelerated the nuclear arms race. By maintaining their nuclear arsenals and their horizontal proliferation through the transfer of nuclear technologies and weapons-grade materials to non-parties to the Treaty, these nuclear-weapon States have also contributed to the emergence of new nuclear weapons possessors. It is in clear violation of their non-proliferation obligations under article I of the Non-Proliferation Treaty.

2. A few countries have attempted to suggest that proliferation concerns are attributable only to non-nuclear-weapon States parties to the Treaty. This campaign of misinformation has been pursued, while all the nuclear activities of the non-nuclear weapon States parties to the Treaty, which have already foregone the nuclear option and therefore pose no threat to others, are under the full-scope safeguards of the International Atomic Energy Agency (IAEA).

3. The Review Conference of the Parties to the Treaty cannot easily overlook that certain nuclear-weapon States, in contravention of their legal undertakings, promote the role and status of nuclear weapons in their defence and security doctrines and proliferate these weapons to others. Non-compliance with article I and the lack of any mechanism for verification of the obligations of the nuclear-weapon States have given rise to serious concern. Under the provisions of the Treaty, the nuclear weapon States have undertaken to eliminate their nuclear arsenals and have committed not to develop or transfer nuclear weapons or nuclear-weapon technology and materials to others. In the long term, the maintenance of these inhumane weapons, and the threat to use them, would weaken the integrity and credibility of the Treaty and jeopardize international peace and security.

4. In the past few years, some efforts have been made to undermine the main principles of the Treaty in order to change it to a one-dimensional treaty. In this context, unfortunately, the nuclear disarmament obligations have been totally

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overlooked, and access to peaceful nuclear materials and technologies for non-nuclear-weapon States parties to the Treaty has been denied. At the same time, the obligations of the non-nuclear-weapon States parties to the Treaty concerning non-proliferation have been overemphasized as if the Treaty had no other provisions. With such an approach, certain countries have tried to impose more extreme and more severe restrictions on access to peaceful nuclear technology and sought to monopolize such technology for only the nuclear-weapon States and a few staunch allies, even in some cases non-parties to the Treaty. In this regard, the clear examples are the nuclear cooperation between the United States of America and Israeli regimes and the decision of the Nuclear Suppliers Group on nuclear cooperation with a non-party to the Treaty. These cases regrettably have shown that being a non-party to the Treaty is more privileged than being a non-nuclear State party to the Non-Proliferation Treaty.

5. The unprecedented decision of the Nuclear Suppliers Group, an exclusive and non-transparent club that claims to have been established so as to strengthen the non-proliferation regime, has already damaged the Non-Proliferation Treaty. Such a decision, by facilitating the transfer of nuclear material to a non-party that has an active nuclear-weapons programme, is a clear violation of article III (2) of the Treaty, under which "each State Party to the Treaty undertakes not to provide: (a) source or special fissionable material, or (b) equipment or material especially designed or prepared for the processing, use or production of special fissionable material, to any non-nuclear-weapon State for peaceful purposes, unless the source or special fissionable material shall be subject to the safeguards required by this Article". The decision of the Nuclear Suppliers Group, which was taken under pressure from the United States, is also a violation of the commitment of the nuclear-weapon States under the decision on principles and objectives for nuclear non-proliferation and disarmament of the 1995 Review and Extension Conference of the Parties to the Treaty and the Final Document of the 2000 Review Conference for promoting universalization of the Treaty. When a country outside the Treaty easily and unconditionally enjoys nuclear assistance from Nuclear Suppliers Group members, it will never have incentives to accede to the Treaty. Thus, the decision of the Nuclear Suppliers Group is in clear contravention of the obligations on the promotion of the universality of the Treaty and has seriously jeopardized the credibility and integrity of the Treaty. Such a decision is another manifestation of double standards and discrimination in implementing the provisions of the Treaty. The 2015 Review Conference needs to address this case of non-compliance and make a decision on the prohibition of any nuclear assistance to non-parties to the Treaty.

6. Furthermore, it seems that in the view of the United States and its allies, clandestine development of nuclear weapons by those outside the Treaty is justifiable, and worse still that such a nuclear programme can be supported through cooperation and transferring nuclear technology, material and equipment. It is a matter of serious concern that such an approach has been applied to the nuclear weapons programme of the Israeli regime, which is a staunch ally of the United States. Permitting such a regime to continue to produce nuclear weapons with impunity is a matter of grave concern.

7. The Review Conference of the Treaty should seriously address the proliferation of nuclear weapons by these nuclear-weapon States. It is essential that all proliferation cases committed by certain nuclear-weapon States be identified and

examined thoroughly. The Non-Proliferation Treaty could continue to sustain and enjoy the support of its States parties, if the nuclear-weapon States fulfil their obligations under the Treaty.

8. The current challenges of the non-proliferation regime require the establishment of a new arrangement and a robust strategy to prevent the arbitrary measures of some nuclear-weapon States in proliferating nuclear weapons. It is indispensable for the Review Conference to adopt a new approach towards non-proliferation and emphasize its basic and primary principles and norms. Full materialization of non-proliferation provisions requires full, verifiable and transparent implementation of article I of the Treaty by the nuclear-weapon States. Therefore, the Review Conference needs to establish a strong mechanism to verify the implementation of article I by the nuclear-weapon States. Moreover, the failure to comply with the nuclear disarmament obligations increases the risk of proliferation of nuclear weapons. Thus, the Review Conference should also call upon the nuclear-weapon States to fully implement their obligations under article VI of the Treaty.

9. To this effect, the outcome of the 2015 Review Conference, based on the full implementation of the obligations of the nuclear-weapon States on non-proliferation, should be designed in a way to cover the following key issues:

(a) The proliferation by certain nuclear-weapon States is the most immediate and essential risk threatening the non-proliferation regime;

(b) Article I of the Treaty and its implementation by the nuclear-weapon States should be strengthened by establishing a verification mechanism similar to the one under article III of the Treaty;

(c) It is essential that all proliferation cases made by certain nuclear-weapon States be thoroughly examined;

(d) In order to take measures to strengthen non-proliferation and promote the universality of the Non-Proliferation Treaty, the nuclear-weapon States must also refrain from cooperating with non-parties to the Treaty and undertake not to transfer any nuclear material, equipment, information, knowledge and technology to them;

(e) The only solution to remove concerns originating from proliferation and threats of the possible use of nuclear weapons is the total abolition of nuclear deterrence through the conclusion of a universal, legally binding nuclear weapons convention;

(f) In the current circumstances, IAEA should demonstrate, more than before, its commitment and dedication not only to the implementation of the safeguards, but also to the facilitation of the development of nuclear energy as its main and primary purpose.

10. In conclusion, the Islamic Republic of Iran believes that IAEA, as the sole competent authority in verifying nuclear programmes of the States parties, has an important and sensitive role in dealing with the nuclear activities of the member States. In this regard, IAEA should act within the boundaries of its mandate, in full conformity with the IAEA statute and the relevant safeguards agreements of the States parties. IAEA should preserve its credibility by adhering to a high level of professionalism and impartiality and avoiding politicization of technical issues. The

Agency should also strengthen its confidentiality policies in order to prevent any leakage of sensitive and confidential information of member States.

11. One of the main concerns of the States parties to the Treaty is the increase of baseless allegations against the peaceful nuclear activities of other States parties through forging documents and disseminating false information. These allegations have significant consequences, in particular political and economic damages to the concerned State party. In this context, the Agency must be very vigilant in dealing with open source information, baseless allegations and the authenticity of the documents presented. The Agency must not build its verification activities on unreliable and fake evidence. In this context, based on article III of the Treaty, which stipulates that implementation of safeguards shall be in a manner to avoid hampering the economic or technological development of States parties, the Islamic Republic of Iran proposes the establishment of a legal mechanism for the settlement of disputes and appropriate arrangements to rectify the damages inflicted on the relevant States parties and provide a framework for compensation.

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Building blocks for a world without nuclear weapons

Working paper submitted by Australia, Belgium, Canada, Colombia, Czech Republic, Denmark, Estonia, Finland, Germany, Hungary, Italy, Japan, Lithuania, Netherlands, Poland, Portugal, Slovakia, Spain, Sweden and Ukraine

Basic vision

1. The international community shares the goal of a peaceful and secure world free of nuclear weapons. States may differ on the means or sequencing for achieving that goal. However, in order to move forward in nuclear disarmament and ultimately to eliminate the risk of catastrophic humanitarian consequences from the use of nuclear weapons, the international community should focus not on differences but on common ground by identifying concrete and practical "building blocks" for that shared goal.

2. A focus on "building blocks" can complement the pursuit of a "step by step" approach. It foresees the possibility of parallel and simultaneous steps. While ultimate measures for achieving and maintaining a world without nuclear weapons will need to be multilateral, effective disarmament will require mutually reinforcing "building blocks" that are multilateral, plurilateral, bilateral or unilateral. Ensuring the non-proliferation of nuclear weapons will also create an appropriate climate as disarmament and non-proliferation represent two sides of the same coin.

3. In addition to past bilateral and unilateral "building blocks", including the significant reductions in the global nuclear-weapon stockpile since its peak in the 1980s, there are already in place a number of multilateral "building blocks" in support of achieving and maintaining a world without nuclear weapons. These include the International Atomic Energy Agency (IAEA) safeguards system, the Partial Test Ban Treaty, the Outer Space Treaty, the Treaty on the Non-Proliferation of Nuclear Weapons, the Sea-bed Arms Control Treaty, the Comprehensive Nuclear-Test-Ban Treaty and the International Convention for the Suppression of Acts of Nuclear Terrorism, as well as the multilateral disarmament machinery. More "building blocks" are required.

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4. The challenging reality is that there will be no quick fixes if our goal is effective, verifiable and irreversible nuclear disarmament. But we must seek to maintain steady progress. If we take into account the prevailing international environment, progress in multilateral nuclear disarmament requires promotion of practical, effective and confidence-building measures. To this end, it is vital to avoid fragmentation of the international community which would delay the entire process of nuclear disarmament. Multilateral nuclear disarmament processes will need to be as inclusive as possible, particularly through the involvement of States possessing nuclear weapons. Building a climate for further confidence and trust will be essential to ensure inclusive processes. Such trust must be built through demonstrated implementation of concrete disarmament measures by all States possessing nuclear weapons, as well as ongoing commitment to non-proliferation by all non-nuclear-weapon States.

Practical measures

5. Based on the above basic vision and framed by a clear focus on and commitment to implementation of the 2010 Non-Proliferation Treaty action plan, there are a number of practical, yet concrete near to midterm multilateral actions in support of a world without nuclear weapons that should and can be taken. These include:

- Negotiating a verifiable and non-discriminatory treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices which deals with all relevant questions for the achievement of its purpose
- Pending negotiation and entry into force of such a treaty, maintenance or declaration by all States possessing nuclear weapons of moratoriums on the production of fissile material for nuclear weapons purposes
- Designating fissile material no longer required for military purposes and the development of legally binding verification arrangements, within the context of IAEA, to ensure the irreversible removal of such fissile material
- Entry into force of the Comprehensive Nuclear-Test-Ban Treaty
- Pending the entry into force of the Comprehensive Nuclear-Test-Ban Treaty, maintenance or declaration by all States possessing nuclear weapons of moratoriums on nuclear weapons tests, as well as restraint from the use of new nuclear weapons technologies and from any action that would defeat the object and purpose of that Treaty
- Continued commitment by all States possessing nuclear weapons to fully respect their commitments with regard to security assurances or to extend such assurances if they have not yet done so
- A return to substantive work in the Conference on Disarmament, including on its other nuclear-related core issues, notably dealing with nuclear disarmament and substantive discussion, without limitation, of effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons with a view to elaborating recommendations dealing with all aspects of this issue, not excluding an internationally legally binding instrument

- Supporting and strengthening the IAEA safeguards system, including universal adherence to comprehensive safeguards agreements and additional protocols
- Universalizing the International Convention for the Suppression of Acts of Nuclear Terrorism
- Continuing work on developing verification schemes, including technical know-how for nuclear disarmament, in order to guarantee that nuclear materials and technology are used for peaceful purposes.

6. Furthermore, many other unilateral, bilateral and plurilateral actions should and can be taken. These include:

- Increasing the transparency of nuclear arsenals and fissile material in stockpiles
- Dismantling or converting for peaceful uses facilities for the production of fissile material for use in nuclear weapons or other nuclear explosive devices
- Reducing the number of deployed strategic nuclear weapons
- Reducing the number of non-strategic and non-deployed nuclear weapons
- Promoting plurilateral or multilateral nuclear reduction negotiations with prior commitment to freezing the number of deployed and non-deployed nuclear weapons
- Reducing the role of nuclear weapons in security doctrines and further reducing the risk of an accidental or unauthorized launch of nuclear weapons
- Strengthening nuclear-weapon-free zones and creating new nuclear-weapon-free zones, including in pursuit of Non-Proliferation Treaty universalization
- Promoting disarmament and non-proliferation education including on humanitarian consequences of the use of nuclear weapons.

7. In due course towards a world without nuclear weapons, it will be necessary to give further thought, with a longer perspective, to how a multilateral nuclear disarmament framework or a nuclear weapons convention would look like as the final "building block". The prevailing environment of trust and confidence will influence the development of that final measure and must remain an important consideration as we continue to move towards our shared goal. All States, and in particular but not exclusively those possessing nuclear weapons, have a responsibility in shaping that environment.

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Preparatory Committee for the 2015 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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De-alerting

Working paper submitted by Chile, Malaysia, Nigeria, New Zealand and Switzerland (the De-alerting Group)

I. Background

1. Although the cold war ended more than two decades ago, today almost 2,000 warheads remain deployed and ready for use within a matter of minutes.[1] Even a small percentage of those warheads, if used, could kill hundreds of millions of people. Their continuing high state of readiness represents a common danger to humanity. The international community has repeatedly and overwhelmingly called upon the nuclear-weapon States to abandon such cold war postures.

2. De-alerting, or the removal of nuclear warheads from the high alert status described above, is an example of a "practical" or "pragmatic" nuclear disarmament step. De-alerting formed part of the "thirteen practical steps" contained in the Final Document of the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, figures prominently in action 5 of the 2010 Review Conference action plan and was a recommendation of the Weapons of Mass Destruction Commission under the chairmanship of Hans Blix in 2006 and the International Commission on Nuclear Non-proliferation and Disarmament, which concluded its work in 2010. States parties have continued to emphasize the importance of de-alerting during this review cycle.[2]

[1] According to the 2013 presentation by Hans Kristensen and Matthew McKinzie, entitled "Reducing alert rates of nuclear weapons", an estimated 1,810 warheads are deployed on high alert by the United States and the Russian Federation. In addition, around 130 nuclear warheads possessed by the United Kingdom of Great Britain and Northern Ireland and France are on a lower level of alert, but are continuously deployed and ready to be used at all times.

[2] See NPT/CONF.2015/PC.II/WP.49, paragraph 22, as follows: "Many States parties stressed that they remain deeply concerned at the maintenance of many nuclear weapons on a high alert level. Many States parties continued to call for reductions in the operational status of nuclear weapons and emphasized that concrete agreed measures to reduce further the operational status of nuclear weapons systems would increase human and international security and would represent an interim nuclear disarmament step."

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3. In 2007, Chile, Malaysia, New Zealand, Nigeria and Switzerland introduced in the First Committee of the General Assembly, a draft resolution on decreasing the operational readiness of nuclear weapons systems, which was adopted as resolution 62/36 (generally known as the de-alerting resolution). In that resolution and subsequent others (see resolutions 63/41, 65/71 and 67/46), the Assembly calls for further practical steps with a view to ensuring that all nuclear weapons are removed from high alert status. The resolution has received increasing support over time.

II. Implications of high alert levels

A. Risk dimension

4. High alert levels and their related nuclear posture are based on the maintenance of "prompt launch" capabilities. Such a posture requires that a nuclear retaliatory strike be able to be launched upon receiving a warning regarding an incoming strategic nuclear attack. In practice, this means that a massive, retaliatory nuclear strike is able to be launched while incoming missiles are still in the air (namely, before a detonation has occurred). Proponents of a nuclear posture based on high alert levels argue that this is necessary because it guarantees a retaliatory deterrent capability (as outlined below, however, maintaining such a capability is possible with de-alerted forces).

5. Such an approach implies that a decision maker would only have a few minutes to assess the plausibility, reliability and accuracy of a warning in order to decide whether to order a nuclear retaliatory strike. It depends heavily on automated warning systems that are not infallible. In practice, it may lead to rushed nuclear decision-making that could be compromised by reliance on false data or by insufficient time provided for consultations regarding the possible use of nuclear weapons.

6. Such alert levels significantly multiply the risks posed by nuclear weapons. For example:

- High alert levels increase the probability of an inadvertent launch owing to technical failure or operator error.
- Reliance on early warning systems for evidence of an incoming attack vastly increases the consequences of any misinterpretation of early warning data leading to an intentional, but erroneous launch. There are numerous past examples of failures and false reports in such early warning systems.[3]
- The maintenance of nuclear forces on a high level of alert — coupled with the attendant doctrine which overemphasizes the risks of a decapitating first strike — greatly decreases the decision-making time available to national leadership in the event of a nuclear crisis and could create a "use it or lose it" mindset that reinforces the likely use of nuclear weapons.

7. High alert levels also increase the risk of the use of nuclear weapons by unauthorized actors, such as rogue military units or terrorists. In this regard, newly

[3] See, for example: Patricia, Lewis Pelopidas and others, eds., *Too Close for Comfort: Cases of Near Nuclear Use and Policies for Today* (The Royal Institute of International Affairs (Chatham House), 2014); and Eric Schlosser, *Command and Control* (New York, The Penguin Press, 2013).

emerging types of risks (namely, related to cyberattacks aimed at the highly automated nuclear military command infrastructure) could further heighten the threat.

8. The recent international focus on the catastrophic humanitarian consequences of nuclear weapons, and the threat that the destructive capacity of nuclear weapons poses to the survival of humanity, has only served to highlight the unacceptability of these risks.

B. Disarmament dimension

9. The maintenance of high alert levels has a negative impact on the process of nuclear disarmament. High alert levels are incompatible with commitments entered into by all Non-Proliferation Treaty States parties to reduce the role of nuclear weapons and to take concrete steps towards the eventual elimination of nuclear weapons. Specifically, high alert levels:

- Reinforce the perceived military value of nuclear weapons and imply a readiness to use nuclear weapons as a war-fighting tool
- Perpetuate outdated, cold war-era nuclear doctrines, making deeper cuts in existing arsenals more difficult to achieve
- Fuel excessive and expensive nuclear force requirements and modernizations.

C. Deterrence dimension

10. Proponents of high alert levels claim that they are necessary from the point of view of maintaining stable nuclear deterrence. Those claims have, however, been refuted by numerous experts, including former senior military officials,[4] who have made the case that maintaining a retaliatory capability (in other words, maintaining credible nuclear deterrence by ensuring that an adversary's surprise first strike would not go unpunished), is possible with an arsenal that is removed from alert. Even if all intercontinental ballistic missiles were removed from high alert, the presence of ballistic missile submarines at sea in a de-alerted state would still provide more than sufficient retaliatory capability to deter a nuclear attack. In other words, if all United States of America and Russian Federation nuclear forces were de-alerted and one side secretly re-alerted, the aggressor could not be confident in carrying out a "disarming first strike" because a sufficient number of highly capable forces would survive the initial attack and could launch a devastating retaliation. It bears noting in this context that guidance issued by the United States Administration in June 2013 conceded that "the potential for a surprise, disarming nuclear attack is exceedingly remote".

11. Experts have also dismissed the argument that removing weapons from high alert is destabilizing (because it could lead to a "re-alerting race") as a "straw man" argument that overplays de-alerting risks, downplays its benefits and ignores the fact that current alert postures already include plans to increase operational readiness and alert rates in a crisis. A de-alerted nuclear posture that still provides a sufficient retaliatory capability would give national leaders time to carefully weigh

[4] For example, Generals Eugene E. Habiger (1939) and James E. Cartwright (1949).

their decisions, rather than be forced to choose within a matter of minutes from a list of predesignated responses with catastrophic consequences.

III. De-alerting and the 2015 Review Conference

12. Lowering alert levels is an integral element of the nuclear disarmament process. Decreasing alert levels is required by key nuclear disarmament decisions of previous review conferences, including the thirteen practical steps of the 2000 Review Conference and the 2010 Review Conference action plan.

13. Lowering alert levels would be an essential contribution to making nuclear weapons less desirable as security tools; in other words, it would be a concrete measure that contributes also to non-proliferation.

14. For these reasons, review conferences have called for concrete agreed measures to further reduce the operational status of nuclear weapons. In the outcome of the 2010 Review Conference, the nuclear-weapon States undertook to consider the legitimate interest of non-nuclear weapon States in further reducing the operational readiness of nuclear weapons systems.

15. The reporting provision set forth in action 5 of the 2010 action plan will enable States parties to assess whether, and to what extent, that undertaking has been acted upon and, consequently, whether progress has been made in lowering the operational readiness of nuclear weapons. Based on accessible information as of 12 April 2014, no further progress has been achieved.

16. The De-alerting Group suggests that, if no significant further progress is achieved before 2015, the 2015 Review Conference should agree on concrete action steps on de-alerting.

17. In recognizing the link between high alert levels and the catastrophic humanitarian consequences posed by nuclear weapons, the 2015 Review Conference should, inter alia:

- Reaffirm de-alerting as a practical disarmament measure contained in the thirteen practical steps of 2000 and the 2010 action plan
- Acknowledge that concrete agreed measures to further reduce the operational status of nuclear weapons systems would increase human and international security and would represent an interim nuclear disarmament step
- Receive undertakings from the nuclear-weapon States, to be achieved during the next review cycle:
  - To address de-alerting comprehensively within the context of their collective engagement concerning the implementation of article VI
  - To reduce alert levels (unilaterally, bilaterally or otherwise) in a concrete and measurable way and within a specified time frame
  - To report to the States parties on measures taken regarding operational readiness/alert levels

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Preparatory Committee for the 2015 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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Nuclear disarmament

Working paper submitted by Ireland on behalf of Brazil, Egypt, Mexico, New Zealand and South Africa, as members of the New Agenda Coalition

Background

1. The Treaty on the Non-Proliferation of Nuclear Weapons is the foundation of the nuclear disarmament and nuclear non-proliferation regime. Since 1998, the New Agenda Coalition has been working relentlessly towards the fulfilment of the bargain of the Treaty by championing the cause of nuclear disarmament, urging the nuclear-weapon States to intensify the pace of implementation of their nuclear disarmament obligations and advocating for universal adherence to the Treaty. Nuclear disarmament and nuclear non-proliferation are mutually reinforcing processes that flow from the Treaty's central premise, namely, that the nuclear-weapon States have legally committed themselves to the pursuit of nuclear disarmament and the elimination of their nuclear arsenals, in return for which the non-nuclear-weapon States have legally committed themselves not to receive, manufacture or otherwise acquire nuclear weapons, while the Treaty also asserts the inalienable right of States to the peaceful uses of nuclear energy.

2. States parties to the Treaty are equally bound by each of its provisions at all times and in all circumstances. All States parties must, therefore, be held accountable with regard to compliance with their obligations under the Treaty. Selective approaches towards the implementation of certain provisions of the Treaty serve only to undermine the nuclear disarmament and nuclear non-proliferation regime. The deep concerns expressed by New Agenda Coalition ministers in 1998 about the reluctance and lack of urgency on the part of the nuclear-weapon States in fulfilling their Treaty obligations remain regrettably all too relevant.

3. Any justification for the continued retention of nuclear weapons or any presumption of a right to indefinite possession of nuclear weapons by the nuclear-weapon States is incompatible with Treaty obligations, with the integrity and sustainability of the nuclear disarmament and nuclear non-proliferation regime and with the broader goal of pursuing international peace and security. As long as some States continue to possess nuclear weapons, citing security reasons for doing so,

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others do and will aspire to acquire them. As a result, the continued possession of nuclear weapons serves as a potential driver of proliferation.

4. By limiting the horizontal proliferation of nuclear weapons, significant progress has been achieved on the non-proliferation objective of the Treaty. While the non-proliferation measures have been strengthened over the years, nuclear disarmament as envisaged in the Treaty has yet to be achieved. The international community must, therefore, redouble its efforts to ensure that the nuclear-weapon States and countries outside the Treaty take the requisite steps towards the speedy, final and total elimination of their nuclear weapons. The reaffirmation of the commitment to the total elimination of nuclear weapons was fundamental to decision 3 of the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, adopted without a vote, to extend the Treaty indefinitely (see NPT/CONF.1995/32 (Part I)). That agreement to extend the Treaty indefinitely was part of an interlinked series of measures that included decision 1, on strengthening the review process for the Treaty, decision 2, on principles and objectives for nuclear non-proliferation and disarmament and the resolution entitled "Resolution on the Middle East".

5. At the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, States parties agreed upon a Final Document that included practical steps for systematic and progressive efforts to implement article VI of the Treaty. The nuclear-weapon States provided an unequivocal undertaking in that Final Document to accomplish the total elimination of their nuclear arsenals leading to nuclear disarmament.

6. In 2000, States parties to the Treaty also agreed that the "principle of irreversibility [applies] to nuclear disarmament, nuclear and other related arms control and reduction measures". The 2000 Review Conference also agreed on "the further development of the verification capabilities that will be required to provide assurance of compliance with nuclear disarmament agreements for the achievement and maintenance of a nuclear-weapon-free world". The New Agenda Coalition presented its views on "Multilateral nuclear disarmament verification: applying the principles of irreversibility, verifiability and transparency" (NPT/CONF.2015/PC.I/WP.30) to the Preparatory Committee for the 2015 Review Conference at its first session, and on "Applying the principle of transparency in nuclear disarmament" (NPT/CONF.2015/PC.II/WP.26) at the Committee's second session.

2010 Review Conference

7. The action plan agreed at the 2010 Review Conference reaffirmed both the unequivocal undertaking by the nuclear-weapon States to the total elimination of their nuclear arsenals and the continued validity of the practical steps agreed to in the Final Document of the 2000 Review Conference. The 2010 action plan included concrete steps for the total elimination of nuclear weapons comprising 22 follow-on actions which reaffirm and build upon the decisions taken in 1995 and 2000. Taking those concrete steps would contribute to the implementation of article VI of the Treaty. The 2010 Review Conference also emphasized the importance of a process leading to the full implementation of the 1995 resolution on the Middle East and, in this context, endorsed the convening in 2012 of a conference, to be attended by all States of the Middle East, on the establishment of a Middle East zone free of nuclear

weapons and all other weapons of mass destruction, on the basis of agreements freely arrived at by the States of the region.

8. Importantly, the Conference also re-emphasized the commitment to apply the principles of irreversibility, verifiability and transparency in relation to nuclear disarmament measures. Through action 5 of its consensus action plan, the Conference also provided for undertakings by the nuclear-weapon States to take specific measures on nuclear disarmament and for them to report back on those undertakings at the 2014 session of the Preparatory Committee. The New Agenda Coalition looks forward to the nuclear-weapon States' reporting.

9. The 2010 Review Conference expressed its deep concern at the catastrophic humanitarian consequences of any use of nuclear weapons and asserted the need for all States at all times to comply with applicable international law, including international humanitarian law. In this way, the recognition of the devastation that would be visited on all humanity by a nuclear war was central to the agreement of the Treaty. In a working paper to this session of the Preparatory Committee, the New Agenda Coalition presents its views on the centrality to the Treaty of the consideration of the effects of nuclear weapons.

Progress since the adoption by the 2010 Review Conference of the nuclear disarmament action plan

10. A welcome development since the adoption of the action plan on nuclear disarmament is the reduction in the overall number of operationally deployed strategic nuclear weapons as a result of the entry into force of the Treaty between the Russian Federation and the United States of America on Measures for the Further Reduction and Limitation of Strategic Offensive Arms (New START). Follow-on bilateral measures are now required. Further efforts are expected from the other nuclear-weapon States to reduce their nuclear arsenals and to increase transparency about steps taken. All types of nuclear weapons, irrespective of their size and location, must be included in future reduction agreements with a view to their total elimination.

11. Since 2010, the continued modernization of nuclear arsenals and the development of advanced and new types of nuclear weapons has run counter to the undertakings given by the nuclear-weapon States. Progress has not been evident in reducing and eliminating nuclear weapons stationed outside the territories of the nuclear-weapon States. Current information available on security doctrines suggest continued reliance on nuclear weapons as an integral part of national security, thereby undermining previous commitments made under the Treaty. Information on reducing the role of nuclear weapons in all military and security concepts, doctrines and policies on which the nuclear-weapon States were called to engage in 2010 is awaited. Regrettably, nuclear deterrence policies remain a defining characteristic of the military doctrines of nuclear-weapon States and the military alliances to which they are party. At this meeting of the Preparatory Committee, information is awaited on actions taken since 2010 to reduce the operational readiness of nuclear-weapon systems.

12. The action plan on nuclear disarmament agreed at the 2010 Review Conference included calls for nuclear-weapon States to discuss policies that could prevent the use of nuclear weapons and reduce the risk of accidental use of nuclear weapons and to report on such discussions to this Preparatory Committee meeting.

Given the impact of nuclear weapons, the only complete defence against the use of nuclear weapons, by accident or design, is their total elimination and the assurance that they will never be produced again.

13. The information which has been provided to date by some nuclear-weapon States on their nuclear arsenals and the progress made in the implementation of New START represent important confidence-building measures. The series of meetings between the five nuclear-weapon States to engage on these matters since the 2010 Review Conference is a welcome development, but further information is needed about the efforts of the nuclear-weapon States to enhance transparency and increase mutual confidence as between the nuclear-weapon States and the non-nuclear-weapon States. The New Agenda Coalition regrets that, to date, no information has been made available on the publicly accessible repository mandated by the 2010 action plan for this purpose.

14. Despite intensive efforts since 2010, including the submission of draft programmes of work, the Conference on Disarmament has not been able to implement the three specific recommendations of the 2010 action plan on nuclear disarmament owing to the continued lack of consensus.

15. The absence of the establishment in the Middle East of a nuclear-weapon-free zone, including the failure to hold a Conference in 2012 on the establishment in the Middle East of a zone free of nuclear weapons and all other weapons of mass destruction, continues to be a serious concern. Thus, it is of crucial importance that a date be fixed by the Secretary-General and co-convenors, together with the Facilitator, for the convening of the Conference in 2014. The convening of the Conference is among the practical steps endorsed by consensus at the 2010 Review Conference. The 2010 Review Conference emphasized the importance of a process leading to the full implementation of the 1995 resolution on the Middle East, which has also not been implemented to date, despite being an essential element of the outcome of the 1995 Conference and of the basis on which the Treaty was indefinitely extended without a vote.

16. Further progress is urgently required to facilitate the entry into force of the Comprehensive Nuclear-Test-Ban Treaty. By raising the threshold for the acquisition of nuclear weapons, preventing a qualitative arms race and reducing the reliance on nuclear weapons in national security strategies, the Comprehensive Nuclear-Test-Ban Treaty constitutes a core element of the international non-proliferation and disarmament regime. The entry into force of the Comprehensive Nuclear-Test-Ban Treaty would also strengthen confidence in the international security system by establishing an effective verification mechanism. In this regard, all Comprehensive Nuclear-Test-Ban Treaty undertakings listed in the 2010 Review Conference action plan should be duly fulfilled. Some positive progress has been made towards the entry into force of the Comprehensive Nuclear-Test-Ban Treaty with the ratification by Indonesia, the first Annex 2 State to ratify since the 2010 Review Conference.

17. The entry into force in July 2011 of the Protocol between the Governments of the Russian Federation and the United States to update the 2000 Agreement concerning the Management and Disposition of Plutonium Designated as No Longer Required for Defence Purposes and Related Cooperation represents progress since the adoption of the action plan, though further information is awaited on progress made on the verification role for the International Atomic Energy Agency (IAEA)

under the Agreement and Protocol. No further progress has been made in the development of appropriate legally binding verification arrangements, in the context of IAEA, to ensure the irreversible removal of fissile material, particularly weapons-grade highly enriched uranium, designated as no longer required for military purposes, as foreseen in actions 16 and 17 of the 2010 Review Conference action plan.

18. The urgency and importance of achieving the universality of the Treaty on the Non-Proliferation of Nuclear Weapons was reiterated in 2010, and States parties were called upon to make all efforts to promote universal adherence and not to undertake any actions that could negatively affect the prospects for its universality. No progress has been made in this regard.

The way forward: the 2015 Treaty review cycle

19. While there has been progress in implementing some of the concrete steps agreed at successive review conferences since 1995, including through the reduction of the number of nuclear weapons in the arsenals of some nuclear-weapon States and increased transparency measures by some nuclear-weapon States, the threat posed by nuclear weapons remains and the objectives of article VI of the Treaty on the Non-Proliferation of Nuclear Weapons have not yet been met. The continued existence of nuclear weapons and the threat of their proliferation 44 years after the entry into force of the Treaty contradicts commitments made under the Treaty. Accordingly, the 2015 Treaty review cycle should decisively tackle these challenges and address the confidence deficit among States parties to the Treaty. The implementation of disarmament commitments aimed at achieving and sustaining a world free from nuclear weapons cannot be postponed again.

20. This review cycle should be devoted to concrete action, moving beyond the conclusions and recommendations for follow-on actions set out in the Final Document of the 2010 Review Conference. The nuclear-weapon States must, without further delay, fulfil their obligations flowing from article VI through systematic and progressive efforts.

21. Furthermore, all States parties to the Treaty, particularly the nuclear-weapon States and the States in the region, must take concrete actions to implement the 1995 resolution on the Middle East, thereby building upon the 2010 action plan.

22. The convening of the Conference on the establishment of a Middle East zone free of nuclear weapons and all other weapons of mass destruction, as mandated by the 2010 Review Conference, is an essential element of the 2015 Treaty review cycle. The Secretary-General and depository States are thus called upon to continue to make efforts to assist the Facilitator in convening the Conference without further delay. As mandated, the Facilitator will also assist in the implementation of the follow-on steps to be agreed to by the participating regional States at the Conference towards the full implementation of the 1995 resolution on the Middle East, and will submit reports on this to the 2015 Review Conference and its Preparatory Committee.

23. As part of the 2010 action plan on nuclear disarmament, all States parties committed to apply the principles of irreversibility, verifiability and transparency in relation to the implementation of their Treaty obligations. Irreversibility is a cardinal principle of the nuclear disarmament process and can only be guaranteed

through the strict and transparent implementation of relevant legal and technical commitments. Technical approaches have been developed in the context of the implementation by the nuclear-weapon States of agreements concerning nuclear weapon reductions, particularly the work undertaken on dismantling warheads and disposing of fissile material under agreements between the Russian Federation and the United States. The development of such approaches may contribute to the demonstration of irreversibility in multilateral nuclear disarmament. In any future multilateral process, such technical approaches would need to be supplemented by appropriate legally binding transparency and verification measures in order to provide assurance of the irreversibility of that process.

24. As a short-term demonstration of the irreversibility of nuclear disarmament actions taken, all nuclear-weapon States must initiate or accelerate, and conclude, the development of multilateral arrangements for placing fissile material no longer required for military purposes, including weapons-grade plutonium and weapons-grade uranium, under IAEA verification, and make arrangements for the disposition of such material for peaceful purposes, ensuring that this material remains permanently outside military programmes in a verifiable manner. Adequate, legally binding and efficient nuclear disarmament verification arrangements are urgently required to promote confidence in the permanence and irreversibility of the removal of such material from military programmes.

25. Beyond the requisite actions and reporting set out in the 2010 Review Conference action plan, nuclear-weapon States should commit at the 2015 Review Conference to take additional measures to implement their nuclear disarmament obligations under article VI, their unequivocal undertaking to accomplish the total elimination of their nuclear arsenals and to apply the principles of transparency, verifiability and irreversibility to nuclear disarmament measures. In addition, all States that are part of military alliances that include nuclear-weapon States should commit to reducing and eliminating the role of nuclear weapons in collective security doctrines.

26. Building on the agreements reached at the 2000 and 2010 Review Conferences, further concrete measures must be taken to decrease the operational readiness of nuclear weapon systems, with a view to ensuring that all nuclear weapons are removed from high-alert status.

27. Since the 2010 Review Conference, awareness has been steadily growing about the humanitarian consequences and ever-present risk of a nuclear detonation, whether by accident, miscalculation or design. This was illustrated by the Conferences on the Humanitarian Impact of Nuclear Weapons, held in Oslo in 2013 and Nayarit, Mexico, in 2014, and will be further discussed in Vienna in late 2014. Given the indiscriminate and catastrophic effects of nuclear weapons, humanitarian concerns should be central to all actions and decisions during the 2015 review cycle and beyond.

28. Furthermore, the 2015 Review Conference should call for the elaboration of a clear, legally binding, multilateral commitment to achieving nuclear disarmament, which would underpin and guide all future efforts towards nuclear disarmament. What is needed is a comprehensive and legally binding framework committing all States to a world free of nuclear weapons, which the New Agenda Coalition has consistently advocated for, comprising the aforementioned mutually reinforcing

components, implemented in an unconditional manner and backed by clearly defined timelines, benchmarks and a strong system of verification.

29. States parties to the Treaty should take into account that failure to fulfil agreements and undertakings reached at successive Review Conferences diminishes the credibility of the Treaty and may pose a threat to the long-term sustainability of the non-proliferation regime. All States parties to the Treaty must continue to be committed to ensuring the full and effective implementation of article VI without delay. The New Agenda Coalition looks forward to working with all States parties to develop a robust, effective and ambitious action plan at the 2015 Review Conference that will reinforce the ability of the Treaty to deliver on its promise of a world without nuclear weapons.